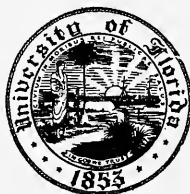


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THE AMERICAN WOMAN
IN MODERN MARRIAGE

BY THE SAME AUTHOR

La Femme Americaine dans le Mariage Moderne (Paris, 1934)

India and A New Civilization (Co-author, Calcutta, 1942)

The American Woman in Modern Marriage

By

SONYA RUTH DAS, Ph. D.



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To
The memory of my sister
CLARA



P R E F A C E

An outstanding feature of American civilization is the rise of a new type of women, who enjoy with men almost the same freedom of thought and action and exercise the same rights and privileges. American women have thus achieved the equality of opportunity for self-expression and developed what might be called a new individuality, the significance of which is not confined to the development of personality of women alone, but has also great influence upon the progress of society in general. This new individuality is best expressed in marriage and the family, which form the subject-matter of this study.

The author had the feminist movement in mind for a long time and had also extensive and unusual opportunity for its study not only from various treatises, reports, and documents, but also from personal contact with women in various capacities: First, as a student in a Russian gymnasium, in the John B. Stetson University, the College of the City of New York and Columbia University, and in the Universities of Berlin and Paris; second, as an official of the Department of Child Hygiene, a law clerk to a United States District Attorney and an active participant in the social and political activities of the International Labor Office and the League of Nations at Geneva, Switzerland, for fifteen years; and finally, as an extensive traveler in the United States, Europe, and India. It is from the background of this wide personal experience that the study of the American woman in modern marriage has been approached.

The author undertook the study of American civilization and especially law and literature soon after her arrival in the United States and, during her prolonged sojourn abroad, continued such studies in the University of Paris. There she received in 1924 the *Diplome in American Literature and Civilization*, in 1932 for "*Le Mariage Moderne dans la Litterature Americaine*" the *Diplome des Etudes Superieures*, and finally, in 1934 for "*La femme Americaine dans le Mariage Moderne*" as dissertation, the degree of *Docteur de l'Universite de Paris* with *Honorable Mention*. In

P R E F A C E

the same year a French edition of the thesis with some modifications was published in Paris. Both the thesis and the French edition were so highly appreciated by the academic circles and the public press in France and other countries including the United States that the author was encouraged to bring out an English edition, but was prevented from doing so until now due to preoccupation with other matters and war conditions. The present edition has been thoroughly revised and brought up-to-date.

The object of this study is threefold: First, to point out the rise of a new individuality among American women and to define a new ethical code of a modern woman in terms of adjustment of her divergent interests as an individual, a wife, and a mother; second, to indicate the rise of the American family from a patriarchal to a democratic institution and to put before American women the ideal that a successful and happy marriage depends upon unre-served and unstinted love, devotion, and service between husband and wife; and finally, to interpret the marriage and family institutions of the United States to the outside world, which is deeply interested in them because of her dominant political and economic position among the nations.

In conclusion, the author takes this opportunity to express her sincere thanks to her husband, Dr. Rajani Kanta Das, for his encouragement, suggestions, and criticisms, which have been extremely helpful to the completion and publication of this book.

Sonya Ruth Das

Washington, D.C.
March, 1948

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CHAPTER I

GROWTH OF PERSONALITY

The growth of personality among women is the greatest achievement of modern times. The so-called personality of a woman until recently was nothing but the result of habits in conformity with certain customs externally imposed on her and often in contradiction to her real nature. The gradual emancipation of woman from external restrictions and the development of her own self from within have helped the growth of her personality.

It must be remembered that the growth of personality among men in general is also of comparatively recent origin. It has taken man ages to develop moral and intellectual technique by which he could utilize his past experience and visualize the future in determining the present, and thus to achieve mastery over himself and his environment for self-expression. The history of man is, in fact, the history of the development of his personality.

While individuals or even groups had made considerable progress in the development of personality, it was not until comparatively recent times that man in general, or the common man, has had the opportunity of self-realization. Creeds, dogmas, prejudices, and even habits

and customs had stood in the way of self-expression. It is only since the fourteenth century that the average man has had a chance of learning to master external and internal obstacles for the achievement of personality.

This emancipation began with the Renaissance Movement, which is the fore-runner of modern civilization. Instead of conforming to external authorities or pre-conceived notions as in the Middle Ages, man has begun to develop himself from within. Although this new spirit was first brought about by the revival of Greek culture, other forces since then have worked toward the liberation of the mind from pre-conceived notions: First, a number of historical events, e.g., the Reformation, the American War of Independence and the French Revolution, have challenged the arbitrary power of the Church and the State and have thus undermined external authority. Second, discoveries in natural and social sciences, such as those achieved by Darwin, Marx and Freud, have liberated the mind from many dogmas, assumptions and superstitions. Finally, the breakdown of feudalism and aristocracy and of the patriarchal family, and the rise of free compulsory education, universal suffrage and freedom of speech, association and worship have helped in the development of personality among men.

The growth of personality among women has followed, however, a somewhat different course. The loss of equality with men from earliest times and the social, political and religious sanctions for such inequality put them into a category different from that of men and they became virtual slaves and developed an inferiority complex. The development of personality among women was thus

barred both by custom, law and religion from outside and their own mental attitude from inside. It was only by the end of the eighteenth century that women began, for the first time, to demand the same rights and privileges as those enjoyed by men, and it was about a century later that their emancipation really began.

The most important and immediate causes of the emancipation are: First, social, political and economic changes, creating opportunities for voluntary motherhood, economic independence, independent citizenship, intellectual development, and freedom of thinking; second, the feminist movement or the struggle by women themselves for ameliorating their social, political and economic conditions; and finally, active participation by women in all cultural and recreational activities. Although almost a universal phenomenon in Western countries, the growth of personality among women has received a greater stimulus in the United States than anywhere else.

1. *Voluntary Motherhood*

A most important factor in the emancipation of women and in the development of their personality is voluntary motherhood. Voluntary motherhood has given a woman a better means of gaining control of her own self and of organizing her impulses, emotions, wishes and sentiments into an inner entity. The knowledge of birth control technique has made it possible for a woman to adjust her biological impulses and maternal emotions to her desired intellectual and moral achievements, and even to the ful-

filment of her duties and responsibilities, to her husband and children as well as to society.

The importance of family limitation for the adjustment of population growth to the food supply was consciously or unconsciously realized by many primitive and ancient peoples and tacit or open consent was also given to some of the methods for achieving the result. Both infanticide and abortion were widely practiced in ancient and medieval times. In modern times, late marriage and abstinence are resorted to on ethical or religious grounds, along with abortion. The common method of family limitation at present is, however, the use of contraceptives, which, though not unknown to primitive and ancient peoples, has been based on modern technology and social approval.

The origins of birth control movements may be traced back to the Neo-Malthusian Movement of the early nineteenth century in England. Although several authors like Carlyle and Drysdale dealt with the question of birth control in their writings, it was not until the arrest of Bradlaugh and Annie Besant in 1877 for circulating "Fruit of Philosophy" by Dr. Knowlton that the birth control movement drew popular attention. Birth control leagues were founded in many parts of England and Neo-Malthusian conferences were held in England and abroad. There are to-day a number of clinics in England where the knowledge of birth control is imparted to all married women who seek information on the subject on the ground of health.

The birth control movement in the United States started with the writings of Owen, Knowlton and Thrall,

but it was after the arrest of Margaret Sanger for writing a pamphlet on family limitations in 1914 that the movement became popular. A national birth control league was founded in 1914 and the Planned Parenthood Federation of America in 1942. In the meantime, the first American birth control clinic was established in New York in 1923, and, at the beginning of the year 1943, there were 794 clinics in the United States, where married women could be advised by competent physicians on child-spacing. In spite of certain legal restrictions and religious disapproval, several states have adopted the program of child-spacing as part of the state health department program. The Industrial Hygiene Division of the U. S. Public Health Service advises married women workers on the question of the proper spacing of children as a means of protecting their health as well as that of their children. (1) States, which now have birth control information as a regular part of the Public Health Service are Alabama, Florida, Mississippi, North Carolina, South Carolina, Texas and Virginia. (2) Voluntary motherhood has been of great benefit to society in general and to women in particular. First, it has given a woman a chance to enter into matrimony and at the same time to avoid maternity in case it interferes with her personal career, injures her health or that of her child, or contaminates her progeny with congenital defects. Second, it helps a woman to undertake maternity at a desired time, and to space the birth of her children at convenient intervals, and to limit the family to a desired and convenient size. Third, it gives to maternal love a new sense of duty and responsibility for the physical, in-

tellectual, and moral welfare of the child. Finally, voluntary motherhood and family limitation are helpful to society for encouraging or restricting population growth in accordance with social needs.

2. *Economic Independence*

Economic independence is a second important factor in the growth of personality among women. Since the Industrial Revolution, society has undergone profound changes. The application of mechanical power to production has not only revolutionized industrial organization, but has also considerably changed some of the social institutions, such as marriage and the family. Before the Industrial Revolution, each family was largely a self-sufficient economic unit, producing most of the things it consumed. Even when it produced for the market, all its members took part in production. But under modern industrialism mass production has largely replaced small-scale and cottage industries, and drawn men and women from fields, workshops, and households to factories. The absorption of many home industries by factories, the increasing standard of living and the desire of finding a career in a wider circle of activities, have also led many women to leave their households to join modern industries and other gainful occupations.

The United States, although rather a new country, has passed through all the important stages of industrial evolution in a comparatively short period of time, and has emerged from a pioneer economy in the middle of the last century into a highly developed industrial economy

since the beginning of this century. The greatest progress in industrialization has been made since World War I and specially during World War II, when the United States not only produced her civil and military requirements for the world's greatest war, but also supplied the Allied Nations with vast quantities of arms and ammunition as well as with other materials. The United States stands today at the head of all industrialized countries.

One of the effects of United States' progress in industrialization has been the increasing employment of women outside the household in gainful occupations. In April, 1942, 29 percent of 52 million adult women were gainfully employed as compared with 84 percent of adult men. There has been a gradual increase in the number of gainfully employed women in the United States. (3) During the forty years from 1900 to 1940, the number of gainfully occupied women, 14 years old and over, increased from 5.11 million to 12.85 million, i.e., two and a half times, and, as compared with all women of the same ages, their proportion increased from 20.4 percent to 25.4 percent, i.e., by one-fourth.

Increase in Number of Gainfully Occupied Women
in the United States, 1900-1940
(women 14 years old and over)

Year	Number of Women (in Million)	Percent of total population	Percent of all women of the same age
1900	5.11	13.8	20.4
1910	7.79	17.4	25.2
1920	8.23	16.3	23.3
1930	10.68 *	17.6	24.3
1940	12.85	19.6	25.4

Sources: United States Census, 1940, Vol. III Part I,
p. 25

* Including those employed in public emergency work.

In comparison with other industrially advanced countries, this proportion of women in gainful occupations in the United States is rather small. In 1931, for instance, the proportion of gainfully employed women as compared with the total population was only 18 percent in the United States as compared with 27 percent in England and Wales, (4) 34 percent in Germany and 37 percent in France. This smaller proportion is due partly to the higher income of the American family and partly to the immigration of foreigners, who are largely males of working age. But with progress in industrialization and increasing restriction on immigration, there is every reason to believe that the number of women in gainful occupations will increase also in the United States.

There is a good deal of variation in number of gainfully occupied women among the native whites and the Negroes. During the period of 1910-1940, the proportion of gainfully occupied women 14 years old and over increased from 21.4 percent to 24.3 percent, i.e., by one-eighth among the white women, but decreased from 57.7 percent to 37.8 percent, i.e., by over one-third, among the Negro women, showing an increase in income of the Negro family and of its increasing independence upon the income of women members.

Variation in Proportion of White and Negro Women in Gainful Occupations in the United States, — 1910-40

(Women 14 years old and over) (In Percentage)

Year	All Classes	White	Negro	Others
1910	25.2	21.4	57.7	19.4
1920	23.3	21.2	42.4	15.0
1930	24.5	22.3	42.5	18.6
1940	25.4	24.1	37.8	22.8

Source: U. S. Census, 1940, vol. III, Part I, p. 25

A large majority of gainfully occupied women are unmarried and single. Of the 12.85 million women so employed in 1940, about one-half were single, about one-sixth widows and divorcees, and about one-sixteenth married but separated from their husbands. In other words, two-thirds of women were employed in making a living for themselves, and a little over one-third contributed to family income.

Proportion of Married and Unmarried Women in Gainful
Occupations in the United States, 1940
(Women 14 years old and over)

Civil Conditions	Number	Percent of the Total
1. Single	6,349,474	49.4
2. Married, including	4,560,835	35.5
(Husband present)	3,907,066	29.6
(Husband absent)	753,769	5.9
3. Widows and divorced	1,934,950	15.1

Source: U. S. Census, 1940, Vol. III Part 1, p. 26

A considerable number of gainfully employed women are rather young. Of the total number of women 14 years old or over so employed in 1943, over one-eighth were in their teens, over one-sixth between the ages of 20 and 24 years, and one-fourth between the ages of 25 and 34 years. In other words, about three-fourths of women were below 35 and in the best age for child-bearing.

Age Distribution of Gainfully Employed Women in the
United States (women 14 years old and over)

	Percent
All Ages	100.0
14-19 years	13.5
20-24 "	17.9
25-34 "	25.0
35-44 "	20.5
45-54 "	14.1
55-64 "	7.1
65 and over	1.9

Source: U. S. Bureau of Census, April, 1943, Labor Force, Bulletin
No. 3. Including women in war plants.

During the war period, about four million additional women began work in various industries, especially those related to the war. While some of these women replaced men drawn for military service, others undertook employment in industries expanded or newly started both for civil and military purposes. On November 11, 1942, under the Walsh Healy Public Contract Act, women under 18 years of age were barred from employment in industries operating on government contracts, but due to the shortage of labor under war conditions, this age limit was reduced to 16 years.(5) As the war came to an end, most of these women began to return to their household duties. As a matter of fact according to the Women's Bureau of the Department of Labor, the number of women in the civilian labor force dropped from 20 million in July, 1945 to 15.9 million in January, 1946, i.e., by more than 20 percent.

Women are now employed in almost all occupations in the United States. Out of 572 occupations listed in the 1920 census, women were employed in 537, or over 99 per cent of them. (6) The majority of women are, however, employed only in a few occupations. In 1940, for instance, about three-tenths of the gainfully occupied women were clerks or kindred workers, over one-fourth, semi-skilled workers, one-fourth unskilled workers, and about one-eighth professional workers, and the remainder were employed in the various semi-skilled and unskilled occupations. The majority of the unskilled workers belonged to the servant classes.

Women Employed in Various Occupations in the United States, 1940
(14 years and over)

Occupation	Number in Million	Percent of Total
Clerks and kindred workers	3.66	29.1
Semi-skilled workers	3.58	28.5
Unskilled workers	3.16	25.2
Professional persons	1.54	12.2
Total including others	12.85	100.0

Source: *Statistical Abstract of the United States*, 1943, p. 133

There have been great variations in the proportion of women in different occupations between 1910 and 1940. The proportion in number of women decreased in unskilled work and domestic service, but increased in clerical and kindred work, semi-skilled work and professional services, indicating an increase in industrial efficiency and earning capacity of women in gainful occupations.

Variation in Proportion of Women in Different Occupations.
1910-1940 (women 14 years old and over) (in percentage)

Occupation	1910	1920	1930	1940
Professional persons	9.2	11.7	13.6	12.2
Clerical and kindred workers	13.9	26.0	28.8	29.1
Semi-skilled workers	27.9	26.8	23.7	28.5
Unskilled workers	42.6	29.2	18.5	25.2

Source: *Statistical Abstract of the United States*, 1943, p. 133

Professional service, in which is employed about one-eighth of the gainfully occupied women, is naturally considered the best type of occupation for women. A profession generally helps women in earning higher income, and also adds to their intellectual and moral development. The most important profession for women is teaching, which is regarded as their prerogative, particularly in elementary and secondary schools, in which over one-fourth of the teachers are women. In 1940, among professional women, there were 4,447 lawyers and judges, 7,708 physicians and surgeons, 20,124 college presidents, professors and instructors, and 20,496 authors, editors and reporters. (7)

In spite of the progress made by women in industrial occupations, there does not yet exist any equality of opportunity for work: First, some of the occupations are not suitable for women, but there are many others which they can do but cannot obtain; second, there are still other occupations in which women are offered lower wages and salaries for the same kind of work. As a rule women receive from one-half to two-thirds of men's wages and salaries for the same job.

Traditional prejudice against women, who have until recently been engaged in household or similar other work, is an important cause of unequal opportunity for women. The fear of competition also makes many men dislike employment of women in some occupations, especially those which men think to be their own prerogative. But the most important cause is the lack of any definite aim in industrial career on the part of women themselves. Most of the women undertake gainful occupations as

merely temporary jobs, and quit them as soon as they are married. Very few women prepare themselves for an industrial career and undergo necessary education and training for efficient work. Employers do not feel inclined to engage women in those occupations which carry responsibilities and require long experience. Many women realize this fact and accordingly devote themselves to achieving adequate efficiency so that they may successfully follow a career. There is a growing demand on the part of women that all services be open to men and women alike on terms of equality.

Women's war service is a great help to the support of their demand for equal treatment in gainful occupations. Both World War I and World War II gave them opportunity to show their unstinted devotion and self-sacrificing spirit to the cause of national defence and they demonstrated that they could do many things for which they had hitherto been thought unfit. As soon as they became an integral part of the armed forces, they proved that they had skill and talents that fitted them not only for ordinary jobs, but also for specialized work. The Wacs, for instance, performed 300 different jobs, in some of which they excelled men.

The greatest service rendered by women to the war is that of undertaking actual military service. Even during World War I the Navy appointed 11,275 women as yeomen and 300 women as marine corps or Marine-ettes, but World War II greatly widened the scope of women's civilian war services, and a large number of women also joined the army, the navy, the coast guard and the air services, and by the end of 1942, there were created such

services as Women's Army Auxiliary Corps (Wacs, formerly known as Waacs), Women's Voluntary Emergency Services (Waves), Women's Reserves of Coastguards (Spars) and Women's Air Service Pilots (Wasps) and at the end of the war, there were 73,000 Wacs, and 40,000 army nurses, 75,000 Waves, 10,000 Spars, and 18,500 Women Reserves of the Marine Corps and 500 Wasps. (8) The significance of the military service by women lies not in the number recruited, but in the quality of the service they rendered and the military recognition they received. In the army, for instance, as compared with men, women received the same pay, had the same status and were entitled to the same titles, such as privates, corporals, sergeants, lieutenants, captains, majors and colonels.

A real recognition of women's military service would be the creation of a permanent organization for women in the national defense. The American Association of University Women has taken steps in this direction by urging permanent peacetime status for the Women's Army Corps and Women's Naval Reserve Units, and also by recommending legislation for the establishment of a permanent commissioned rank for Navy nurses on a par with male officers, for the authorization of the permanent commissioning of women medical officers, physical and occupational therapists and dieticians in the Army and Navy, and for the provision of reserve officers' training for women on a basis comparable to that of male personnel. (9)

The importance of women's equal rights and status in employment and remuneration has recently received international recognition. The International Labor Con-

ference has taken steps to abolish inequality between men and women and adopted, in its Philadelphia Charter of 1944, the following principles: (1) complete equality of opportunity for men and women on the basis of their individual merit, skill, and experience; (2) wage rates based on job content without regard to sex; and (3) the establishment of precise and objective standards for determining job content as a basis for determining wage-rates. Although still merely a recommendation it will have its effect upon national labor legislation of all countries.

The employment of women in modern industries, some of which involve danger to health and safety, has led to the enactment of protective legislation for women. Such legislation was undertaken in England as early as 1842. Since the last quarter of the nineteenth century, laws have been enacted in various countries for the regulation of hours of work, night work, and work in mines and other occupations. Since some of these regulations for women have been enacted as special and exclusive measures on the basis of sex rather than on their physical or mental capacity or nature of occupation, they limit the scope of their work and lower their wages, and are therefore strongly criticized by those who stand for the equality of opportunity for men and women in all industrial activities.

The principle of differential legislation on the basis of sex is opposed by the feminists. "The feminist view," says Miss Elizabeth Abbot, "is opposed to all differential treatment for women in industry. We believe that what is called protection can only be logically supported on the assumption that industry is normally a function of the

male, and that women, to be non-adults, are only to be permitted to work for wages at special hours, under special supervision, and subject to special restriction by the legislature. That view we reject, not merely on the ground that it involves an unwarrantable interference with the liberty of the individual, but also because it closes avenues of training and employment of women, encourages employers to pay them lower occupational rates on the ground of increased 'welfare' charges and delays rather than hastens the betterment of the conditions throughout industry, irrespective of sex." (10)

3. *Political Freedom*

This growing economic independence has been accompanied by gradually increasing political freedom. Democratic ideals which were developing in Western Europe during the seventeenth and eighteenth centuries, resulted in the English Revolution of 1668, the American War of Independence in 1776, and the French Revolution in 1792. The object of all these was the establishment of democracy. By the English Revolution, the supremacy of statutory law was established over royal proclamation. The King's Ministers were made responsible to the people through Parliament and the arrest of an individual was made dependent upon the writ of habeas corpus. The French Revolution was fought avowedly for equality, liberty and fraternity which have ever since become the ideals of all the peoples of the world. The American Revolution ostensibly was fought for national independence, but the underlying spirit was the ideal of equal rights for all people.

When in 1787 the United States of America was founded, the States were granted by the Federal Constitution the right to retain and regulate suffrage within their own territories. Although the doctrine of natural right was one of the guiding principles of the War of Independence, instead of universal suffrage, most of the States based their suffrage on freehold, payment of taxes, education and other qualifications, which had already existed in the Colonies. These restrictions upon suffrage began to disappear early in the nineteenth century and, after the Civil War, the problem arose regarding the granting of suffrage or freedom to the Negroes. It was solved by the 15th Amendment of the Federal Constitution, which provides that no man is to be barred from voting because of color or race. Although most of the Southern States still bar Negroes from voting on the pretext of lack of education, the right of the Negroes to vote has been established. It took women over half a century or more to win equal suffrage in the United States.

The origin of woman suffrage goes back to Colonial times. Representation by tax-paying women was first introduced in the Colonies and women voted for all elected members in Massachusetts from 1691 to 1780. The first attempt on the part of women for suffrage was made in 1776, and two years later a petition was made for equal suffrage. During the French Revolution, when Mary Wollstonecraft wrote her treatise on a "Vindication on the Rights of Women" and French women presented a petition to the National Assembly for equal suffrage on the ground of natural right, American women started a suffrage movement on the same basis. Although the Con-

tinental Congress gave individual States the power of granting suffrage, only New Jersey conferred suffrage upon women in 1776. It was, however, withdrawn in 1807.

In the first half of the nineteenth century women's activities in America were devoted mostly to the cause of higher education for women and also to the abolition of slavery and intemperance. In 1826, Frances Wright advocated woman suffrage and was followed by Ernestine L. Rose and others. The agitation against slavery added to the cause of political liberation of American women, who were more or less in the same position. Concerted efforts for equal suffrage by women themselves were first made by the middle of the nineteenth century. The first Women's Rights Convention was held at Seneca Falls, New York, in 1848, when a Declaration of Sentiments modelled after the Declaration of Independence was discussed and pledged. It was the beginning of the feminist movement in the world. The object of the movement was at first to change the State Constitution and an attempt was made in that direction in Kansas in 1887, but without any success. It was soon realized that it would be necessary to have a new amendment to the Federal Constitution granting women the right to vote. In order to obtain the vote of the majority of the States to that effect, the National Woman Suffrage Association was founded in 1869 with Miss Elizabeth C. Stanton as President and Miss Susan B. Anthony as the Chairman of the executive committee. In the same year, another similar organization, the American Woman's Suffrage Association, was founded with a branch in every State. These

two organizations were amalgamated into the National American Woman's Suffrage Association in 1890. This new organization continued to work for 30 years under the leadership of Dr. Anna Howard Shaw and Mrs. Carrie Chapman Catt.

In the meantime other organizations were formed by men and women either singly or mixed. The Southern Women's Conferences were inaugurated to carry on the work of the National American Association in the South. With a view to obtaining suffrage by aggressive and militant methods, a Congress Union was also founded by women in Washington, D. C., in 1913 with Miss Alice Paul as the leader. Women adopted the tactics of the American political parties and formed the National Women's Party during the presidential campaign of 1916.

Practical results of these suffrage movements began to show only a decade after the emancipation of the slaves. Woman suffrage began with the States, and Wyoming was the first State to grant suffrage to women in 1869. It was followed by Colorado in 1895 and Utah and Idaho in 1896. The twentieth century began in a favorable atmosphere for democratic ideals and equal suffrage; women were granted suffrage by Washington in 1910, California in 1911, Arizona, Kansas, and Oregon in 1912, Alaska in 1913, and Montana in 1914. By 1915, over 4 million women of 21 years of age and over had already achieved suffrage in various states.

The number of States granting equal suffrage increased to fifteen in 1918, when the Amendment to the Federal Constitution was introduced. Women had already a great advantage; those Congressmen who were helped by

women to represent their States were bound to vote for equal suffrage. Moreover, nation-wide response made by women to the demand of Government for the successful conduct of the war broke down resistance of those who had been so long opposed to equal suffrage. The Amendment was passed by the House, but was rejected by the Senate by only two votes. On June 4, 1919, the Amendment was passed by both Houses of Congress and sent to the States for ratification. A vigorous campaign was started by women to persuade the State legislators to vote for the Amendment. The Amendment was duly ratified by 36 States on August 26, 1920, and an official proclamation was immediately issued adding the 19th Amendment to the Constitution to the effect that "the right of the citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of sex." In the same year, women took part for the first time in the presidential election.

While the 19th Amendment gives women the power to vote, it does not clearly define that women have the same rights as men. Discriminations against women still exist. In several States married women have no property right and their possessions really belong to their husbands. Married women cannot teach in Indiana. Women are barred from jury duty in 16 States and from running a political office in several others. Since 1923, women have, therefore, continued their agitation for an equal rights amendment. The Republican Party accepted the proposal in 1940 and reiterated its pledge in its convention in 1944. On July 20, 1944, the Democratic Party incorporated in its platform a plank favoring the submission to the States

of a constitutional amendment providing equal rights for women. The proposed amendment was favorably reported upon on July 12, 1944 by the House Judiciary Committee and was before the House Committee on Rules, reading that "equality of rights under the law shall not be abridged by the United States or by any State on account of sex." (11)

The equal rights amendment involves, however, no new principles, but only "a clarification of the Constitution, stating in specific terms that women as well as men are people and are included in the guarantee," as stated by the General Federation of Women's Clubs. The announcement of the decision of the resolution was nevertheless greeted with jubilation by the proponents and members of the National Women's Party, which also announced its endorsement by 30 governors at a celebration commemorating the 97th anniversary of the first Women's Rights Convention at Seneca Falls in 1848. Women's organizations expect that the ratifications by the States will be completed by 1948, the year of the centenary of Women's Rights Convention.

The Equal Rights Amendment Bill is opposed by many prominent women (12) on the ground that its adoption would wipe out all laws, State or federal, that gave special protection to women and would make almost impossible to provide any special protection in the future. Such fear does not seem to be reasonable: First, the proposed amendment aims at the creation of a psychological background for the development of the feeling of equality, especially among women, the majority of whom still suffer from an inferiority complex. Second, most of the pro-

protective laws for women, at least in the beginning, were based on the fiction that women were on the same level of development as male minors or adolescents both physically and mentally, and the time has come to rectify this error. Finally, while establishing their equal rights in all affairs of public life, women's interests may still be safeguarded in a few special cases on the ground of social welfare.

While a bill for an Equal Rights Amendment to the Constitution has been submitted to Congress every year since women had gained the suffrage, on February 17, 1947, there was introduced a new bill, called the Legal Status of Women Bill. This bill calls for a declaration of the United States policy to end sex discrimination "except such as are reasonably justified by differences in physical structure, biological and social function." This measure would give women their rights and at the same time maintain their protective measures. The supporters of this new bill asked the President of the United States to appoint a nine-member commission to study social, economic and legal status of women and review the local and State discrimination on the basis of sex. (13)

The adherents of this new bill claim the backing of their project by seven women members of Congress and 40 national organizations including the National League of Women Voters, the Congress of Industrial Organization, and the American Federation of Labor. The Equal Rights Amendment is also backed by 32 national organizations including the General Federation of Women's Clubs, the Business and Professional Women's Club and the National Association of Women Lawyers. (13)

While the achievement of equal suffrage in the federal government is in itself a moral victory, what is more helpful to the development of personality among women is the acquisition of administrative opportunity in the important branches of the Government. Several women were in high public service even before federal suffrage. In 1918, for instance, a woman was appointed Chief of the Children's Bureau and another Civil Service Commissioner. Since then women have made rapid progress in achieving administrative power. A considerable number of women hold high positions in municipal, State, and federal governments. Women are now found among aldermen, sheriffs, mayors, and judges in municipal, probate, and State Supreme Courts; among treasurers, auditors, secretaries, legislators, and governors; among collectors of customs and revenues, commissioners of immigration, chiefs of federal bureaus, congressmen and cabinet members, and among ambassadors to foreign countries, and delegates to international conferences, e.g., Disarmament Conferences, International Labor Conference, United Nations Security Conference and the first Convention of the United Nations Organization (UNO) in London, 1946.(14)

That there is some limit to the full recognition of equality of opportunity for women in the public service must be admitted. The public is skeptical of a woman as the President of the United States and even as member of the President's Cabinet, as indicated by recent nationwide surveys among the voters of the country. Typical voters including women hold the following views: (1) A majority of voters do not think women are acceptable as

presidential candidates; even the majority of women voters hold this view; (2) A majority do not think women belong in the President's Cabinet; women are evenly divided on whether they approve having a woman as a member of the President's Cabinet; (3) A majority would approve having a woman as a member of the Supreme Court and a slight majority of women have the same view; (4) A majority would vote for a woman as Governor of a State; a majority of women would also back a woman as gubernatorial candidate. (15)

The election of a woman as the President of the United States is a question of the distant future. There is nothing new about a woman becoming a State Governor, she has already occupied such a position. It is welcome news that the majority of voters approve of the appointment of a woman as Justice of the United States Supreme Court. It is only appropriate that a woman should have a place in the highest judicial branch of the Federal Government. For the same reason a woman should also have a place in the highest administrative branch of the Federal Government and become a member of the President's Cabinet. A woman has just finished her twelve years Cabinet Service as the Secretary of Labor. What is needed is the creation of a new Department of Social Welfare to be headed by a woman. The feminist movement should concentrate all its energy on having a woman appointed United States Supreme Court Justice and on creating a new Department of Social Welfare.

Since 1920, woman suffrage has had a decided effect in bringing the American woman closer to the American man, as noted by the United States Women's Bureau.

Women have brought to politics a new concern for health, education, the welfare of women and children, measures affecting marriage and divorce, consumers' rights and needs, working conditions of women in industry and various other measures of social welfare. The achievement of woman suffrage may be summarized in the words of Carrie Chapman Catt, the leading feminist. Miss Catt said on the occasion of the recent anniversary of the first American Women's Rights Convention at Seneca Falls, N. Y., that the grievances cited in that convention's declaration of sentiments had all been removed. Women have gained the right: "To vote, to hold office, own and control property, collect wages, make a will, practise a profession, share the guardianship of their children; be a witness in court after marriage; freedom of speech; freedom to organize, to petition; freedom to follow conscience in the matter of religion; greater economic opportunities, higher wages, equal education with men, equal representation, equality in marriage rights, equality in social status."

4. *Intellectual Progress*

The most important factor in the development of personality among American women is, however, intellectual progress, which has been brought about by three distinct processes: First, educational policy in general; second, increasing facilities for women's education; and third, increasing participation by women in all public activities which has thus enabled them to acquire practical knowledge and experience.

As in the case of most other countries, education in

America was at first under the control of the Church. One of the results of the Protestant Reformation was the desire on the part of the laity to have knowledge of the Scripture. The dissenters who came over to America for freedom of worship established the first school with a view to developing a literate laity and an educated ministry. The influence of the Church over education was in full force during the Colonial period. The rise of democratic principles, namely, political equality and religious freedom, undermined the influence of the Church. But it took the State about half a century more to take full control of education.

With the growth of democratic ideals, the educational policy of the State has begun to develop. The essential elements of this policy are the following: (1) universal, non-sectarian, free and compulsory elementary education; (2) formulation of educational standards according to the growing needs of a dynamic people; (3) free secondary and higher education; and (4) adaptation of education to the capability and needs of growing personality.

The foundation of democracy is enlightened citizenship. All citizens must be literate in order to take intelligent interest in government. The first object of the State in the educational policy was, therefore, to introduce universal, non-sectarian, elementary education. But in order to become universal, education must be compulsory and at the same time free, i.e., available to everybody without any cost. The first free and compulsory system of education in the United States was introduced in New York about the middle of the nineteenth century.

After a long-drawn battle of several decades, the State succeeded, by 1860, in establishing the public school system and in laying the foundation of democracy.

Elementary education was not, however, sufficient to meet the needs of a rapidly growing population in a country of vast natural resources. The policy of free education was carried on in higher studies in two stages, namely, secondary or high school education and college or university education. The first high school was established at Boston in 1821, and Massachusetts also enacted a law requiring a high school in every town of 500 families or more in 1827, but rapid progress in high school education began only after 1860. Like schools, colleges were also established in the Colonial period. There were 9 colleges before the establishment of the Federal Government; by 1860 this number rose to 246, of which only 17 were under the control of the State. In 1862, Congress provided for a grant of public land to each State with the object of founding a college of agriculture and mechanical arts. Although some of the States utilized this grant to improve and enlarge their existing universities, others founded new State Universities. In all these State Universities, higher education is imparted at a less-than-cost price to the people of the State and even to others. Some of the State Universities, e.g. Wisconsin and Illinois, rank as high as such privately endowed universities as Harvard and Columbia. Moreover, all the three educational systems, elementary, secondary, and higher, i.e. public school, high school and university education, have been consolidated into one system, thus making it easier for students to follow through them consecutively.

The most important feature of American education is to supply the growing needs of a progressive community. While classical and theoretical education is not discouraged, emphasis is laid upon its practical aspects. Philosophy and science are utilized for interpreting and solving the problems of modern life and young men and women are taught to become useful members of society. Applied science and technology loom large in the American system of education and they are accompanied by various professional courses.

A recent tendency in American education is the adaptation of teaching to the needs and capabilities of growing personalities. This is the application of results of child and experimental psychology, which has developed rapidly in all advanced countries and which are being increasingly utilized for education in the United States. This means the provision of a curriculum to meet the needs not only of the kindergarten children, but also of adolescence and early youth. Thus instead of eight years' straight course in the public school and four years' course in the high school, the curricula are divided into 6-3-3 years corresponding to childhood, adolescence, and early youth. Proposals have also been made to add two years more to the college curricula making it 6-4-4 years. The object of this change is to present to the students all these subjects of study in such a way as their growing personalities require and can easily grasp.

While this policy determines the education of both men and women in the present time, the latter had to wait a long time to get admission into this educational system. The pioneers of America thought that the best

career for women was marriage; that education was scarcely needed for household work. Except in a few localities, the only institutions open to women up to the Revolution, were a few "dame" schools. The movement for the education of women started early in the nineteenth century and by 1860, when both public school and high school systems were well established, and girls received the same opportunities as boys in both of them.

College education for women encountered, however, stronger opposition. By 1810, there were 24 colleges, to none of which women could have any access. Oberlin College, Oberlin, Ohio, was among the first to admit women as students in 1833. Separate institutions for the higher education of women began to appear in the thirties. The Wheaton Institute for women was founded at Norton, Massachusetts in 1835 and the Mount Holyoke Institute at South Hadley in 1837, and they were closely followed by several other institutions, mostly seminaries, in various other states.

Since the middle of the nineteenth century, there have developed three distinct types of institutions for the higher education of women: (1) Separate colleges for women, e.g., Vassar College at Poughkeepsie, N. Y., in 1865; Smith College at Northampton, Mass., in 1875; and Bryn Mawr College at Bryn Mawr, Pa., in 1885; (2) Women's colleges affiliated with an already established university, e.g., Barnard College at Columbia in 1889 and Radcliff College at Harvard in 1894; and (3) Co-educational, e.g., most of the state and several private colleges and universities. The University of Utah, founded in 1850, and Antioch College, founded at Antioch, Ohio, in 1855,

were opened for co-education from the very beginning and their examples were followed by others throughout the country. Except in New England and the South, nearly all American colleges and universities are at present open to men and women alike. With the introduction of co-education in higher education, women have acquired the same opportunities as men in intellectual development.

In recent years, great improvement has been made in the standard of education and the diversity of curriculum. Men and women follow the same curricula in co-educational, affiliated, and even separate institutions and receive the same degrees. While most women prefer liberal arts degrees, many specialize in home economics or similar subjects. Graduate studies have opened to women a vast field for research and specialization in various branches of art, science, and philosophy.

The present state of intellectual progress of women is best indicated by a few statistical data. Primary education is, of course, compulsory, and all boys and girls up to the age of fourteen have to attend public schools in all the States. But in high schools the number of girls is larger than that of boys. In 1947, for instance, 13.4 million girls completed 4 years in high schools, as compared with 9.9 million boys, i.e., 24.5 percent and 18.9 percent respectively of all persons of the same sex 14 years old or over. The larger enrollment of girls in high schools is due to the fact that many boys take courses in professional or vocational education after public school. Women have also made considerable progress in higher education. In 1947-48, women received 95,100 Bachelor's degrees,

13,373 Master's degrees and 521 Doctor's degrees as compared with 171,793, 28,343 and 3,918 degrees respectively received by men. (16)

The number of women in professional schools is also considerable. In 1944, there were 212,286 women in professional schools including 1,319 in law, 1,784 in medicine and 886 in theology. Some of the professions, such as nursing, are almost exclusively for women and a large number of women take advantage of them. In some of the professions, especially in law and medicine, women have several difficulties, such as long period of study and high expenditure, high initial expenses needed for getting established, discrimination against women in appointment for internship and clinical experience, and traditional confidence of the people, including even women themselves, in men both as doctors and lawyers. To compete with men, women have to be more than their equals in these professions.

To the above educational institutions, must be added other means of education such as the Church, including the Bible classes and Sunday schools; the library, which exists in every town having a population of 10,000 or over; the press, especially daily papers, which surpass those of any other country both in number and variety; and the platform which has great educational value in a democratic country like the United States.

While schools and other educational institutions are the best means of imparting knowledge, active participation by women in almost all social, political and industrial activities, which have been rapidly increasing in America, is also a means of intellectual development. Of

these activities, the most important are clubs and associations, of which there are many in America including those exclusively for women; various sports, games and plays, in which American women take active part from childhood; political campaigns for municipal, state and federal election, especially that for United States President; different social and political movements, both national and international, in which many American women take active part; and activities in learned professions, in which an increasingly large number of American women are being engaged.

5. *Freedom of Thinking*

Gradual development of free thinking is still another factor in the growth of personality. To have independent opinions on the external world based on pure science is a comparatively easy task. But it takes a sounder reasoning and stronger conviction to think freely on those questions in which creeds, dogmas, sentiments, mores, and even superstitions and prejudices are largely involved. Since the Protestant Reformation, there has grown up a spirit of independent thinking and freedom of conscience. Protestantism itself was a step toward the liberation of the mind from the dogmas and creeds of the Roman Catholic Church. But American colonists dissented from the Protestant Church and came over to the New World in order to follow their own religious conviction. In the eighteenth century, the doctrine of natural rights made further contributions to the spirit of inde-

pendence and individuality among the pioneers of the new country and made them revolt against the arbitrary power of the British Monarch.

This new spirit did not, however, directly influence women, who remained still devoted to the thoughts and ideas of their fathers and husbands. The reasons for such a condition are obvious. The system of the family organization was patriarchal and it was the father or husband who was the chief of the family. The traditions defining the position of women in the family have been built up for ages and inertia often kept them down in their position. Of course, there have been a few prominent women in America, as in other countries, who have broken away from traditional custom and have developed their own independent opinion on such questions. But by far the majority of women still followed the social traditions. As long as the family was intact, there was little chance for the development of independent spirit among women. Nor were there internal forces or external conditions which were favorable to the growth of independent life for women.

The cardinal point in the growth of free thinking on the part of women is the emancipation of reason from the thralldom of traditions. This has been brought about by two distinct processes: First, acquaintance on the part of women with great thinkers and the feminist question, a thing made possible through increasing educational facilities; second, the breakdown of the old patriarchal or semi-patriarchal family system, as a result of recent social, political and industrial changes.

Increasing educational facilities have not only ac-

quainted women with the external world, but also with themselves. Philosophical theories and scientific discoveries with reference to women have inspired them to have their own ideas and thoughts about themselves. Among the most important sources of inspiration to women have been the following: First, the writings of Plato, Aristotle, Euripides and More, all of whom elaborated arguments and propounded theories on the rights of women; second, the cult of the Virgin idolizing woman as mother, and courtly chivalric love exalting women as a source of idealism in the thirteenth century; third, doctrines of natural rights, "laissez-faire" and individualism, as developed in the nineteenth century; fourth, the romantic movement of the early nineteenth century, advocating spiritual relationship between men and women in love; fifth, ethnological researches in the latter part of the 19th century regarding the position of women among primitive and ancient peoples; sixth, contemporary psychological and pathological researches showing the real nature of man and woman. Women have thus come to realize more and more that most of the hardships which they have been subjected to are the outcomes of some peculiar situations in the growth of society and also of the selfish desire on the part of men to preserve their domination over women.

This progress in intellectual development has been accompanied by gradual breakdown in the old family system through social changes: First, the very newness of the country with colonial and pioneer life, unconventional social behavior, unrivaled industrial opportunities, and newly achieved democracy in a vast country

have affected men and women alike and brought about changes in their customary relations. Second, the presence of Negro slaves on behalf of whom women have taken a prominent part from the early part of the nineteenth century brought home to them their own position in the political organization of the country. Moreover, the enfranchisement of the freed Negroes also showed that although most of the Negroes were intellectually in a lower stage of development, they were granted suffrage only because they were "men." Third, growing industrialization taking away a large number of women from the household to the factory has brought them in contact with the outside world and taught them how to depend upon themselves for an independent living. Finally, political suffrage, which American women enjoyed for about two generations in many States, and since 1920 in the Federal Government, has also made women independent of some restrictive traditions. The breakdown of the old family system, whether patriarchal or semi-patriarchal, has freed the mind for taking an independent view on the question of the family.

The essential feature of this independent thinking is that women have learned to question the validity of a thing. They no longer take for granted custom, manner, mores, law, and institutions, but consider them from the viewpoint of their origin and nature as well as of their function and utility in modern life, forming their own independent opinion on these questions.

6. The Feminist Movement

The last, but not the least, important factor in the

growth of personality among American women is feminism. The term "feminism" first came into use in France in 1790 and signifies the emergence of woman as an individual with the same rights and privileges as man. The object of feminism is the complete emancipation of woman, and includes freedom of thought, action, and behavior. Some of its objectives have been clearly defined by the British women in a recent meeting called by the Status of Women's Committee and attended by more than 1,000 women, including several newly-elected labor members of the British Parliament. The meeting made the following demand: Women want the right to their own independent nationality and domicile irrespective of their husbands, equal pay and opportunity and abolition of the marriage bar in all government services and equal contribution and benefits for all women, married or unmarried, in any scheme of social insurance. (17)

In many primitive societies, men and women had the same rights, but in the process of social evolution, women have gradually lost their position of equality with men. Once they came down to the inferior status, and customs and laws were formed making that status permanent, women themselves began to believe in their inferiority and became reconciled to their subordinate position. Through the loss of equal status, women have also lost their cultural and social rights and privileges except in a few isolated cases. In Greece, for instance, a class of women, called the *Hetairai*, enjoyed intellectual freedom and cultural companionship with philosophers and politicians, but their social position was inferior to that of those women who remained in the seclusion of the home. At the end of the

Renaissance, certain liberty was also enjoyed by the women of aristocracy in Spain and Italy, who took public careers as poets, artists, and orators. But all these were exceptions rather than rules and the position of women continued to remain inferior up to very recent years.

The origin of the feminist movement lies in the doctrine of natural rights. The achievement of equal status with men in all social, political and economic spheres of life is its main and ultimate objective. This means, of course, the development of womanhood from within on the one hand and the removal of obstacles that stand in the way of attaining equal rights on the other. There are various organizations for the achievement of equal status in different spheres of life in most of the advanced countries.

The feminist movement in the United States might be said to have originated during the first quarter of the nineteenth century, when the emancipation of slaves became an acute question and women championed the cause of the slaves. Temperance and education equally occupied their minds. But it was in connection with woman suffrage that the feminist movement first appeared in the organized form in the middle of the last century. Since then the feminist movement has grown rapidly with different objectives in view and may be roughly divided into four categories: Political, cultural, public welfare, and peace and progress.

The first and earliest type of the feminist movement was in connection with suffrage and was started in 1848. The National Woman Suffrage Association and the American Woman's Suffrage Association were both established

in 1869 and were amalgamated into the National American Woman's Suffrage Association, as noted before. The National Women's Party was organized in 1916 and was followed by the establishment of the National Republican Women's Association and the Democratic Women's Organization. One of the most important political organizations is the National League of Women Voters, which made its appearance soon after woman suffrage was inaugurated. It is a non-partisan organization and aims principally to teach women how to vote and how to become citizens. Other political movements aim at promoting the responsible participation of women in government and at securing for women complete equality with men in all spheres of political life.

A second type of the woman movement is cultural in its objectives and is often called self-culture societies or clubs. The first women's club was founded in 1889 and now they are found in almost all important localities. Self-culture consists of a variety of subjects, such as education, citizenship, legislation, home, and even foreign affairs. The most important of these organizations is the Federation of Women's Clubs, which consists of over 14,000 local clubs. It was organized in 1890, incorporated in New Jersey in 1895 and chartered by Congress in 1901. It meets bi-annually to discuss various subjects.

A third type of the woman movement aims at the advancement of social welfare concerning a variety of subjects, such as temperance, philanthropy, health, and morality. First, temperance has been the special field of women's activities since the beginning of the last century and the most important organization for temperance is

the Women's Christian Temperance Union, which was established in 1874. Second, American women have long been interested in the work of philanthropy or organized charity, the most conspicuous example of which is the Hull House in Chicago, founded by Miss Jane Addams in 1889 for ameliorating the conditions of poor immigrants. There are now welfare centers in most of the large industrial towns in the United States. Third, women have always concerned themselves with medical relief and their efforts have found best expression in the worldwide organization of the Red Cross Movement and during the First World War, over 8 million women were organized as regular volunteer workers all over the country. The Second World War has widened the scope of the Red Cross much further and American women are now found engaged in its work almost all over the world. Finally, another important movement for advancing the welfare of women is the Young Women's Christian Association, which, although first organized in England, has become an American institution and extended its activities to most other important countries. Its main object is to advance the physical, social, intellectual, moral and spiritual interests of young women.

A fourth type of the feminist movement is that for international peace and progress. Miss Jane Addams, for instance, was the chairman of the International Committee for Permanent Peace. A Women's International League for Peace and Freedom has been founded aiming at the promotion of peace between nations, races, and classes, which is based on justice and good will. A great opportunity for American women's participation in the

establishment of world peace was created by the United Nations Security Conference at San Francisco in the summer of 1945. The conference was convened to draw the United Nations Charter and to set up a permanent international organization at the end of World War II. The opportunity for participation by women consisted, first, of the invitation by the United States Government to send consultants to the Conference to five federations of women's organizations, namely, the General Federation of Women's Clubs; American Association of University Women; the National Federation of Business and Professional Women's Clubs; the National League of Women Voters; and Women's Action Committee for Victory and Lasting Peace. These organizations have long been interested in the problem of world peace; and the General Federation of Business and Professional Women's Clubs had already proposed that an international commission of human rights and freedom should be set up to minimize the chances of further wars. Second, the United States Government decided that one of the five delegates to the Conference should be a woman. Six other nations also sent women delegates. All women delegates took active part in the deliberations of the Conference and in the formulation of the Charter. The Charter provides that women shall be eligible to participate in its principal and subsidiary organs. The United States also sent a woman as one of its five delegates to the first Convention of the United Nations Organization held in London in January-February, 1946. Women took an especially important part in this London Conference.

Another activity of American women in international

affairs was their active participation in the International Women's Congress held in Paris in November, 1945. The Congress adopted a resolution demanding that the atomic bomb be submitted to the control of the United Nations. Another resolution passed by the Congress urged that the New Women's International Democratic Federation take part in the work of organizing the United Nations Organization and be accorded consultative representation in the United Nations Assembly and a vote in the Social and Economic Council. A resolution was also passed dealing with the economic and legal position of women, and asking the new federation to endeavor to bring about for women "rights equal to those of men in all aspects of political, economic, legal, cultural and social life by recognition of this equality in education, work, pay, holidays, social insurance and old age pensions." (18)

7. New Individuality

The achievement of voluntary motherhood, economic independence and political freedom on the one hand and intellectual progress, free thinking and the feminist movement on the other, have given rise to a new individuality among American women. The newness of this individuality lies in the development of personality as indicated by a more objective view of life based upon modern science and philosophy rather than upon old traditions, and a better organized and purposive self-expression. It does not mean that womanhood in America has reached full expression nor has it been free from bias, predilections, idiosyncrasies and prejudices. As a matter of fact, racial prejudice, old puritanism and iso-

lationism still control the minds of the majority of women as well as of men in America. But in self-expression, self-control and objective attitude toward life, American women have made definite progress. The break between the old fashioned and the modern women is more noticeable in America than in any other country.

The greatest obstacle to the full development of women has been their inferiority complex. Reference has also been made to the historic events and social processes which have brought about this mental condition. To get out of this inferiority complex, which curbed their souls and obscured their moral, spiritual and intellectual outlook, is in itself a great achievement. But what is more important is the fact that American women have made considerable progress in self-development and self-expression, which have developed in them a new individuality.

There are several factors which have been helpful to the growth of this new individuality in American women, such as the rugged and risky pioneer life calling for hardship, courage, and resourcefulness; fewer women than men in the early colonial communities raising the value and status of women; the equal rights and privileges and equal share in inheritance of the ancestral property enjoyed by boys and girls; coeducation in most of the educational institutions from the elementary school to the university; almost perfect equality between the husband and the wife in all domestic and home affairs; participation both by men and women in most of the occupational and recreational activities; and social, political, and economic changes since the Civil War, which have been

accentuated by World War I and II.

The cardinal features of this new individuality are: (1) self-consciousness in the realization of their potential faculties and powers; (2) self-reliance as indicated by the fact that most of them know what they want and how to get it; (3) independent spirit as indicated by the freedom of thought, action and behavior, which make them feel at home in whatever sphere of life they may be placed; and (4) sense of responsibility as indicated by their willingness not only to claim their rights, but also to discharge the duties involved in such rights. In short, this new individuality has made woman a self-conscious, self-reliant, independent and responsible personality.

"To an increasing degree we are seeing today," says Dr. Vera Booth, "what seems to be the new woman, with new interests, new responsibilities and new ways of doing things. What has changed and still is changing, of course, is not woman herself but her status in a rapidly changing social order, and her ways and means of securing satisfaction and making contributions to social life under changed conditions in which she has to function." (19) What she calls "the new woman" is nothing but the new individuality which an American woman has acquired in modern times. As a result of this new individuality, there has been a distinct change in the aspirations, aims, ideals as well as in social attitudes and social values of the American woman.

CHAPTER II

THE NEW CONCEPT OF MARRIAGE

One of the effects of the progress of society as well as of the growth of personality among women is the rise of a new concept of marriage. Instead of a static and formal institution, marriage has become a dynamic and functional relationship between man and woman. Modern marriage is thus a social process by which husband and wife continually adjust to each other in their mutual needs and services as required by their growing personalities.

This new concept of marriage has been brought about by both internal and external forces: First, new attitudes toward life, morality and religion among women, which are the direct results of their growing personality; second, changes in social, political and economic institutions, under which it has been possible for this new personality to express itself. Under the old system of marriage, a wife had to adapt herself to her husband and often to his relatives as well. She had to be a companion and housekeeper, a mother and a helper in his work. The essential point in modern marriage is a physical, moral and spiritual union of two free and independent persons of opposite sex for mutual service and benefit through continuous adaptation and adjustment.

1. Historical Development

Rising from what Westermarck calls "a group habit", marriage has become a most important social institution in all communities, whether savage or civilized. But although the fundamental principle, by which two or more persons of opposite sex are more or less permanently united, is still its dominant feature, as an institution, marriage has undergone profound changes.

First of all, religion has influenced marriage from the very beginning. Mysticism connected with birth has naturally made primitive peoples endow marriage with religious sanctity. The close relationship between sex emotion and religious sentiments was also realized very early by ancient peoples, and all functions connected with marriage and birth were controlled by religion. The creed of ancestor worship made marriage obligatory upon every healthy man and, in case there was no progeny by the first wife, a man was permitted to take a second wife even among many monogamous peoples. Marriage requires religious sanction among most of the modern peoples, Christian or non-Christian.

Economic influence upon marriage is also obvious. The wife has always helped her husband in his industrial activities. Polygyny arose partly from the labor value of women and their children, and polyandry is similarly partly biological, i. e., lack of sufficient number of women as compared with that of men, and partly economic. Infanticide, especially of girl infants, was a way of controlling population growth. Late marriage

and abstention from marriage also are partly influenced by economic considerations.

As an institution, marriage naturally involves social aspects. Marriage has often united families, tribes and dynasties. Since a woman not only marries a man, but also accepts her husband's social position, marriage has often been restricted to the members of the families of the same class or caste. Endogamy and exogamy, which were so closely associated with primitive marriages, had also their social origins. The former was the means of preserving the tribal integrity for both defensive and offensive purposes and the latter contributed toward peace and friendship among neighboring and often rival tribes.

Customs, manners, magic, prejudices and superstitions have great influence upon marriage. The effects of these factors are obvious. There are few marriage rites which are not based upon superstitious elements. Taboo, for example, played an important part in prohibiting marriage among the near relatives. Ghosts and other evil spirits were supposed to have had great influence upon the newly married and many were the devices to protect them from these spirits.

One of the important features of marriage among primitive and ancient peoples is its universality. This is indicated in several ways: First, celibacy and childlessness have been discouraged by various means among primitive peoples. Second, several methods have been devised so that all men and women have a chance of marriage. Polyandry has arisen out of shortage of women and polygyny partly out of shortage of men who were often killed

off through constant warfare in early times, leaving unmarried or widowed women unprotected, for which marriage was the best and perhaps the only method of self-protection. Third, marriage was almost obligatory among historical peoples. The Hebrews regarded marriage as a religious obligation, the Greeks and the early Romans as a public duty, and the Hindus and the Chinese as a part of ancestral worship. Mohammedanism regards marriage as a civil contract, but has nevertheless made it a religious duty. The early Church Fathers looked down upon sexual relations, but conceded it to be a normal affair in society, and a means of increasing the number of the faithful.

The most important feature in the evolution of marriage has been the growing tendency towards monogamy. This monogamous ideal has been, in fact, the underlying principle throughout the history. Promiscuity, group marriage, polygyny and other anomalous systems of sex relations have played a comparatively unimportant part even in primitive communities, and, though they are still present in some communities in modern times, their scope is limited to a very small section of the people. Promiscuity is universally condemned. Group marriage, or the marriage of two or more brothers with two or more sisters of two different families, is restricted to very few tribes. (20) Polyandry is confined to Tibet and other far away regions. Polygyny, although sanctioned by religion, is practiced only by a few rich or upper classes of the Mohammedans and other sects. Monogamy, which has instinctively reached a high state of perfection among some species of animals, has thus been the dominating ideal in human society.

Like marriage itself, monogamy also has its biological and social origins. Feminine modesty, personal jealousy, and mutual affection, as well as growing personality among women, all have helped the growth of this ideal. The very fact that men and women are almost equal in number in most communities, also limits the possibility of polyandry. Moreover, monogamy leads to stronger conjugal relation and a better care of children. It has been raised to its highest stage of development by the teachings of such religions as Judaism and Christianity. Christianity, from its very beginning, had in fact made monogamy one of its cardinal points.

Christianity has had a still more profound influence upon marriage. In spite of its close relationship with magic and religion, marriage had been a civil contract among many primitive and historical peoples. However, after trying for several centuries, the Church finally succeeded in making marriage a sacrament by the middle of the fifteenth century. Although the Reformation rejected the sacramental character of marriage by the middle of the sixteenth century, it was not until 1653, i.e., a century later, that the first civil marriage act was passed by Cromwell as a result of the movement by the Puritans and Independents for the separation of the State from the Church. The growth of the new concept of human freedom during the French Revolutionary period led the French Constitution to declare marriage a civil contract in 1791. By the middle of the nineteenth century, many of the European States enacted civil marriage legislation.

From the very beginning, marriage had been a civil contract in the American Colonies. Marriage first was

performed by civil courts. But with the decline of Puritanism and the growth of civic ideals among the people, different denominations have been permitted by the States to perform marriage as government agents.

Guiding forces in marriage are, however, socio-biological; sex and parental impulses lead men and women to seek each other's companionship. Sympathy, sociability and fellowship bind them together in more or less permanent union. The social aspects of this union are recognized by the State and the Church or both by various forms of rites, thus making it a social and legal institution.

In addition to race propagation, social progress has added several other functions to marriage: First, marriage gives opportunity for the satisfaction of such impulses and sentiments as self-abnegation and mutual confidence and respect, which can find their best expression only in the permanent and intimate relationship between man and woman. Second, marriage offers the best chance of moral, intellectual and spiritual companionship and cooperation between man and woman for the development of their respective personalities. Third, marriage is a most important factor for the foundation of the family and in the continuation of society. It is through the family that children are adapted to existing social institutions and that social traditions are transmitted from generation to generation, thus assuring social continuity.

Marriage, as it has developed in Western countries, may thus be defined as a bond between man and woman based on innate psycho-physical tendencies for mutual love and affection and sanctioned by law with the object of

their living together for life in closet community to the exclusion of all other men or women. It may be said to be a contract in the sense that there is a declaration of will by two persons involving legal consequences. But it is not a contract in the ordinary sense of the word, because it cannot be dissolved by common consent like an ordinary consensual contract, and there is always some moral or religious sanction, often followed by some solemnities. (21) American marriage is thus both a legal and religious institution.

2. *Present Tendencies*

The American attitude toward marriage has been directly derived from two distinct sources: First, British common law, which forms the basis of most of the American institutions; and second, Christianity, including both the Catholic Church and the Protestant Reformation, which has influenced marriage institutions in most of the Western countries.

Both common law and civil marriage were brought over to America by the Puritans from England. Although common law marriages are still permissible in several States, as will be shown later on, all marriages in America are civil contracts, and they are highly influenced by the Church. Early American settlers were not only Protestants, but also Puritans, and Puritanism added its austere aspect to marriage relations. Later on, as the Catholic immigrants began to pour in, they also added sacramental ideals to marriage institutions.

There is, however, a growing tendency to approach the

marriage question from the biological point of view, i. e., the satisfaction of the psycho-physical needs of individuals. Of course, this concept was never absent in marriage in any community, ancient or medieval. But the Church, the State and the family over-emphasized religious, legal and social aspects and relegated the psycho-physical aspect to secondary importance. In recent years there has been a distinct change in these attitudes. Both the puritanical and sacramental aspects have lost their influence and marriage has come to be regarded as a social institution for giving moral and legal sanction to man and woman who want to become husband and wife.

A second tendency in modern American marriage is that it has become a personal affair. Whether a woman should marry or not depends entirely upon her own wishes. A modern woman does not think marriage to be a duty, either to God or to ancestors, in whom she may not have any faith, nor to society, which does not visibly need her help. Although the number of women who do not like to marry is still small, it is likely to increase as time goes on. The most important factor which has contributed to this attitude is economic independence. Formerly, a woman depended upon marriage both for social and economic status. Now, she can earn her living and can live a single life, without undermining her social prestige. In fact, if she is talented and has a profession, she may prefer a single life to marriage.

The separation of parenthood from marriage is still another tendency in modern marriage. Many women marry without any desire to have children and, in fact, some of them refuse to undertake the responsibility of

motherhood. It is due partly to the fear of interference, by gestation and lactation, with cultural and economic development, and partly to increasing standards of living and love of material comfort, although they like to have husbands as companions and friends in life. Race propagation, which is the primary object of nature in all sex relations and has been a blind force among lower animals, has thus been brought under conscious control in human society and has come to play a secondary role in most modern communities.

Modern women can thus become independent of marriage for their livelihood and social status. They stand on equal footing with men in the two most essential functions of life, and have now a chance for better development of their moral and intellectual faculties.

In spite of comparative independence, there are several factors which stand in the way of women's freedom in marriage relations. One of the most important is race prejudice. Now it must be remembered that although physical differences between races are obvious facts, whether there exist any psychological differences indicating the superiority of one race over another is still an open question. The American people by its very composition is a conglomeration of different races. However, although America is often called the "Melting Pot," there is a great deal of discrimination against certain racial groups. The solution of the problem lies in the provision for liberal education and the close contact with other racial groups. World War II and specially the military service of American men and women in various countries have acquainted the American people with

various racial groups and will help in broadening their outlook.

The so-called eugenic marriage is still another creed in the present day America. The evil effects of marriage between near relatives and defective persons have long been known, but it was not until the discovery of the Mendelian law of heredity that the real causes of these evil effects have been definitely fixed. Since the beginning of the present century, there has been a movement in America to apply the eugenic law to human marriage. Both the segregation of undesirables and defectives and the sterilization of habitual criminals have been resorted to as practical methods. Venereal disease is still another danger to marriage, especially to women and their offspring. About 75 percent of cases of blindness among children may be traced to gonorrhea among parents. It is mostly due to the desire to eliminate the hereditary defects and to control venereal diseases that the principles of eugenic marriage and health have been propagated. Most of the States, for instance, require medical certificates before marriage. (22)

Religion also stands to a certain extent as a barrier in free mating. Catholics prefer to marry among themselves and they are advised to do so by the clergy. The obvious reason is, of course, conflict both in religious ideals and ceremonies. But with the growth of liberalism and decline of the influence of the Church, inter-marriage between the peoples of different religions is increasingly taking place.

Social prestige is still another obstacle to freedom in the choice of mates. With the disappearance of the

frontier and the limitation of immigration, American society has already begun to lose its dynamic elements and the stratification of social classes on the basis of race and wealth has already begun to appear. Unless means are found to keep up democratic spirit, social prestige is bound to develop into a strong element among different classes in America as in the older countries, and interfere with free choice of partnership in marriage.

The family is in part an economic institution, and men's financial position and earning capacity are also important elements for consideration by women in choosing their mates. There was a time when America, with almost unlimited frontier and undeveloped resources, was "a land of opportunity." But, with the occupation of practically all the arable land and the nation's coming of age, there is a decided change in the social outlook affecting both men and women. With decreasing opportunities for individual enterprise and increasing materialism, there is a growing tendency among women to look for, in prospective husbands, accumulated wealth and money-making capacity, rather than moral value and intellectual achievements.

The demand by women for a "Single Standard" in sex morality is another phase in modern American marriage. Some of them want to have the same standard as that of men. Both the increase in the age of marriage of women and the lack of the same restraint on the conduct of men as that regarding women have played an important part in bringing about this change. Many men, willingly or unwillingly, accept the condition. This changed attitude towards women has a two-fold significance: First, this is

an unconscious recognition by man of the equal status of woman in all social relations. Second, it is an admission of the fact that woman is not only a physical being, but also a moral and spiritual entity, and it is her ability to love and respect rather than her past conduct, which counts in conjugal happiness.

3. Rate and Age

There was a time when marriage was almost mandatory and there are still countries where marriage is a religious duty and obligation for all healthy men and women, but no such obligation prevails in Western countries, including the United States, where marriage is only a personal affair depending upon the health, income and desire of a person, whether man or woman, to undertake the responsibility of marriage.

There has been a general tendency toward increase in the marriage rate in the United States. Between 1887 and 1942, the number of marriages per 1000 population increased from 8.7 to 13.2, although it decreased to 11.8 in 1943 and to 11.0 in 1944. There are, however, occasional fluctuations in marriage rates, which respond readily to the changes in social and economic conditions, increasing in times of peace and prosperity and decreasing in the time of war and depression. The increase in the marriage rate in 1923 was the result or after-effect of World War I and the exceptionally low rate in 1932 was the result of the severe economic depression. The rate of marriage was the highest in 1946 due partly to better economic conditions and partly as the after-effect of the war.

Marriage Trends in the United States, 1887-1946

(Shown in specified years) ²² *

Years	Number of Marriages	Marriages per 1000 Population
1887	483,680	8.7
1906	853,079	10.5
1916	1,075,775	10.7
1922	1,134,151	10.3
1923	1,229,784	11.0
1932	981,903	7.9
1933	1,098,000	8.7
1934	1,302,000	10.3
1935	1,327,000	10.4
1936	1,369,000	10.7
1937	1,451,296	11.3
1938	1,330,780	10.3
1939	1,403,638	10.7
1940	1,595,879	12.1
1941	1,695,999	12.7
1942	1,772,132	13.2
1943	1,577,000	11.8
1944	1,452,394	11.0
1945	1,603,139	12.1
1946	2,285,539	16.3

Source: U. S. Bureau of Census, Population, No. 3, Nov. 12, 1944. Figures for 1933-36 and for 1941-44 are estimated; U. S. Bureau of Census, Marriage and Divorce, 1932; Marriage and Divorce Statistics, United States, 1946. (October 24, 1947) Figures for 1946 provisional and for 1945 revised.

This increasing tendency in the marriage rate in the first part of the war was certainly stepped up still further in the immediate post-war period. After all wars, marriage rates increase largely due to the postponement of marriage during the war period. Moreover, prolongation of the war, distribution of men and women for service all over the globe, and long separation from homes and friends have created strong desire for companionship, which is likely to end in an increased number of marriages.

There is a great variation in the rate of marriage in different geographical divisions. (23) In 1946, for instance, the marriage rate per 1,000 population varied from 12.7 in the Pacific Division to 36.3 in the Mountain Division. There are also considerable variations in the marriage rate in different States, ranging from 7.2 in Tennessee to 437.1 in Nevada. There are also similar variations in different counties and cities.

There are several causes for these variations, of which the most important are the following:

First, the marriage rate is influenced by the age, sex and race composition of the population. In a newly settled region or State, the proportion of the middle-aged men is larger than the young and old and the proportion of women is smaller than that of men. In both cases the proportion of married women is likely to be larger. Marriage is also more general among certain groups, such as Poles and Jews, than among others.

Second, Marriage is also more common among the rural population than among the urban. In 1940, for instance, of all the women of 15 years old and over, the percentage of married women was 58.1 among the urban population, and 66.3 and 64.5 respectively among the rural farm and rural non-farm population. (24)

Third, that the comparative prosperity of the people encourages marriage is a well-known fact. There are also more marriages in the "fat" years than in the "lean" years.

Fourth, a stricter attitude toward sex relations as among the Puritan people necessarily leads to more marriages.

Finally, differences in marriage laws and facilities for marriage of non-residents also influence the marriage rate. Some of the States require a rather long interval between the application for a marriage license and the actual date of marriage for all candidates or for non-resident women. In some States women can marry without parents' consent at 18 instead of at 21, as in other States. Moreover, some of the States do not have eugenic law. Couples naturally go to marry where they can do it at the least expenditure of time, trouble and money.

The migration of couples to the areas where marriage laws are lenient and ceremonies are performed with ease, cheapness and promptness, has given rise to a considerable number of so called "Gretna Greens" (or small towns on the borders of the State) for such marriages. The desire to avoid publicity and enhance romanticism attached to some church or locality, is also a cause of "Gretna Green" marriages. The number of such marriages is, however, small in the United States and is getting smaller every year.

This increase in the rate of marriage naturally has been followed by an increase in the marital status of men and women in the United States. During the past half a century (1890 and 1940), for instance, the percentage of

married men increased from 53.9 to 61.2 and of married women from 56.6 to 61.0, showing a greater increase in the marital status of men than of women.

Trends in Marital Status of Population in the United States,
1890-1940

(Persons 15 years old and over)

Year	Per	Per
	100	100
	Men	Women
1890	53.9	56.8
1900	54.5	57.0
1910	55.8	58.9
1920	59.2	60.6
1930	60.0	61.1
1940	61.2	61.0

Source: *U. S. Census*, 1940, Vol. IV, Part 1, p. 16

The marriage rate is generally higher in the United States than in most other western countries, as indicated by the data on marriage in the pre-war periods, when conditions were normal. It will be seen in the table below that except in the period of 1931-35 in the case of Germany, and in 1938 in the case of the United Kingdom, the marriage rate was higher in the United States than in the United Kingdom, Germany, France, Belgium, Netherlands, Switzerland and Sweden.

Marriage Rates in Some Western Countries, 1921-1943
(Per 1000 Population)

COUNTRIES	1921-25	1926-30	1931-35	1936-40	1941	1942	1943
United States*	10.6	9.9	9.2	10.9	12.6	13.1	11.8
Canada	7.3	7.3	6.7	8.6	10.0	10.9	9.4
United Kingdom	7.7	7.5	7.9	8.5	9.3	8.8	7.2
Germany	9.4	8.7	9.3	9.6	7.3	7.4	7.3
France	9.5	8.2	7.4	6.1	5.3	6.8	5.7
Belgium	10.6	9.1	7.8	7.8	7.6	7.3	7.2
Switzerland	7.7	7.5	7.7	8.4	8.3	8.6	8.3
Sweden	6.3	6.7	7.3	8.5	9.1	9.7	9.5
Netherlands	8.2	7.7	7.2	7.8	7.3	9.7	7.2

Source: Statistical Yearbook of the League of Nations, 1942-44, p. 34-35. Including provisional figures for some war years in the case of United Kingdom, France and Belgium.

(*) Marriage and Divorce Statistics for 1887, 1906, 1916 and 1922 were based on inquiry and others were estimated. The publication of report on *Marriage and Divorce* was stopped in 1933 as a measure of economy after the depression of 1930-32.

The number of married women among the total woman population is also larger in the United States than in most of the Western countries. Of all the women of 15 years of age and over, the number of married women ranged from 47.3 percent in Switzerland to 61.1 in the United States.

Proportion of Married Women per 100 Women
15 years old and over in some Western
Countries. (*)

Countries	Proportion of married women per 100 women 15 years old and over
Switzerland	47.3
Italy	52.5
England and Wales	53.4
Netherlands	54.3
France	57.4
Belgium	59.9
United States	61.1

Source: *Annuaire Statistique*, France, 1938, Divers Pays, P. 248. Since 1941, the publication of reports on foreign countries has stopped.

(*) Figures refer to the year 1930.

Both the rate of marriages and the proportion of married women as compared with all women are thus higher in the United States than in most other important Western Countries. The principal reasons for such higher rates are the presence of a large number of immigrants, the majority of whom are in the prime of life, the comparative higher rate of national income in the United States, the stricter restriction of extra-nuptial sex relations and commercial vice in the United States than in most of the European countries, and a higher frequency of divorce rates and of re-marriages of divorced persons, which have been rapidly increasing in the United States.

The rate of marriage is closely connected with the age of marriage. The average age of marriage in Western countries including the United States is best indicated by that of England and Wales, where such data are available for about a generation and a half, as indicated below. It will be seen that the average age of marriage was over 29 in case of men and 26 in case of women. That this age was highest during the period of 1916-20 is largely due to the postponement of marriage during the war and immediate post-war periods of 1914-18; and also that there has been a tendency towards slight increase in the age of marriage in recent years.

Mean Ages at Marriage in England and Wales
1846-1937

Years	Males All Bridegrooms	Females All Brides
1896-1900	28.38	26.21
1901-05	28.52	26.36
1906-10	28.76	26.59
1911-15	29.01	26.77
1916-20	29.77	27.14
1921-24	29.18	26.69
1926-30	29.10	26.58
1931-35	29.04	26.41
1936-40	28.96	26.22
1941	28.78	25.83
1942	28.60	25.66

Source: *The Registrar General's Statistical Review of England and Wales*, 1947, p. 50.

Some idea of the age of marriage in the United States may be had from the number of married persons in each age-group, as indicated by the census of 1940. It will be seen that over one-fourth of men and over one-half of women are married before the age of 25 and two-thirds of men and about three-fourths of women are married before the age of 30.

Marital Status of Men and Women in Different
Age-Groups in the United States, 1940 (15 years old and over)

Age-Group	Per 100 Men	Per 100 Women
15 Years and over	61.2	61.0
15-19	1.7	11.6
20-24	27.4	51.3
25-29	62.7	74.1
30-34	77.2	80.4
35-44	82.4	81.0
45-54	82.8	76.0
55 years and over	69.9	49.9

Source: *U. S. Census*, 1940, Vol. IV, Part 1, p. 5.

The age of marriage varies according to economic and cultural conditions of various social classes: First, it is lower among the lower income groups, who reach the heights of their earning capacity and the ability of bringing up the children also earlier. Second, it is higher in the higher income groups and middle classes, who have to undergo prolonged education and training before they can establish themselves in their business and profession and be economically able to undertake family obligations. Third, it is higher in dynamic and progressive societies

than in the static and backward communities. Finally, customs, beliefs, aims, aspirations and ideals of individuals and social classes have also great effect upon the age of marriage.

What ought to be the difference of age between husband and wife is also a pertinent question. It is a matter of common knowledge that a girl matures faster than a boy, the latter taking four or five years longer than the former in achieving the same amount of maturity. Moreover, the fact that a woman may retain fecundity up to the age of fifty and man up to the age of sixty-six and over, has given rise to the contention that from the purely biological point of view a husband can be 16 years older than his wife. This contention, however, fails to take into consideration the intellectual, moral and spiritual factors in conjugal relationship.

There is a considerable parity in age between husband and wife in America due to the choice of mates often from "sweethearts" of school days or class-mates of college life. But in this age of great diversity and unequal distribution of wealth, men and women may choose their mates from any age group. Moreover, modern marriage is neither sacramental nor unbreakable and men and women may marry without paying much attention to age differences. Age difference also receives little consideration in the marriages of widowed and divorced persons. But the most important factor in eliminating age consideration in marriage is the rise of moral and spiritual longing among men and women, who, coming in contact with mates of congenial and sympathetic nature, do not hesitate to marry because of differences of age. In short, in a

dynamic society where so many different interests bring men and women together and where neither parenthood nor physical relation play the chief role in marriage relations, there cannot be any hard and fast rule regarding the age difference between husband and wife.

4. *Choice of Mates*

Closely connected with age is the question of choice of mates. In modern times the method of choosing mates has undergone complete change. Instead of selection by the family, men and women now choose their own consorts. The choice of mates by parties concerned was not unknown to primitive peoples. But with the growth of ancestral worship and the patriarchal family, marriage gradually became a means of propitiating the ancestors, perpetuating the family, and preserving social prestige. Marriage thus became a family affair and still is among many peoples.

Marriage by choice has, however, now become common in most of the advanced countries. While this is true more in the case of men than in the case of women, yet the latter has acquired a distinct voice in the matter of marriage. If a large number of young women still consult their parents on marriage, it is for the sake of showing courtesy or securing consent or receiving dowry.

The practice of selecting mates by women has become more common in America than in any other country. It is the result of several factors, such as the progress of democratic spirit, the growth of personality, and the virtual elimination of dowry from marriage. Parents have

come to realize more and more that the marriage of their daughters is no longer a family affair and except for giving advice or offering blessings, they should remain neutral. In short, marriage has largely become a personal affair with the majority of American women.

Freedom in the choice of mates is a distinct gain to American women. It has made marriage a matter of option rather than of compulsion, thus giving them a chance for self-development before undertaking family responsibility. The free choice in marriage is only a part of the freedom which they have acquired in social, political and industrial fields and is helpful to the development of their personality.

The number of men from whom American women can select their prospective mates is comparatively large in modern times and this is due to several reasons: First, the almost universal system of coeducation extending from the primary or public school to the university. Even those institutions which are not co-educational have special educational institutions for women close to those for men, e.g., Harvard and Radcliffe, and Columbia and Barnard. Second, the wider occupational opportunities bringing many young women in close contact with men in business and professional and other occupations. Third, co-partnership in most of the cultural and recreational activities, e.g., common membership of clubs and societies as well as joint participation in sports, games and amusements. Finally, the almost perfect freedom which American women enjoy also brings them in contact with men in many other activities of life.

This close contact between young men and young

women in education, occupation and recreation offers opportunities for mutual understanding and appraisal in different social situations. They are revealed to one another in all their intrinsic qualities and peculiarities, and merits and demerits without any necessary regard to love or marriage. Any appreciation formed during these periods is valuable inasmuch as it is based on personal knowledge in the matter-of-fact world rather than that of romance.

A question may rise as to whether too much familiarity is conducive to mutual attraction. It may be pointed out here that the old-fashioned "romantic love" has very little scope in this scientific age. The very fact that most of the women marry at a comparatively advanced age means that the period of romance is practically over before marriage. The constant struggle for self-development and the necessity of learning a profession and often of making a living before marriage are also hard blows to the growth of romantic love. There is a good deal of rationalism in modern marriage and conjugal love contains much more reality now than ever before.

Courtship is rather short in America. Close acquaintanceship between men and women in different walks of life often shortens the period of courtship. What is essentially needed in courtship is not, however, the length of time, but mutual confidence and spontaneous unfolding of the inner self to each other so that they can easily ascertain mutual compatibility. Freedom and frankness are among other qualities of mutual understanding and American women possess both of them in a striking degree.

5. *Legal Requirements*

Social aspects of marriage have long been recognized by almost all communities and certain procedure or rites have also been prescribed for giving it a public recognition by law. In modern communities, this rite is performed either by the Church or the State or both.

Private marriage, however, still exists. A considerable number of men and women live together as husband and wife without undergoing any ceremony in most of the large cities in Western countries. Judge Lindsey estimated the number of such couples to be about 50,000 in the city of New York alone. There are still others who establish simple temporary sex relationship without any idea of marriage or even of living together. The prevalence of such extra-nuptial sex relationship is partly indicated by the number of illegitimate children in several countries, as shown below :

COUNTRY	YEAR	TOTAL LIVE BIRTHS	ILLEGITIMATE NUMBER	CHILDREN PERCENT OF LIVE BIRTHS
England & Wales	1945	685,544	62,901	9.2
Scotland	1945	95,941	7,547	7.6
Switzerland	1944	87,057	2,709	3.1
Sweden	1944	133,167	11,675	8.8
Norway	1944	45,773	3,179	6.9
Germany	1936	(*) 1,329,722	102,031	7.6
Italy	1942	896,276	35,528	3.9
United States (**)	1944	1,641,560	87,001	5.3

Source: *Statesman's Yearbook*, 1946, Compiled and Adapted.

(*) The latest data available.

(**) Based on data only in 38 States. *New York Times*, Dec. 6, 1945.

The above table would indicate that the number of illegitimate children and therefore of extra-nuptial sex relationships are lower in the United States than in most other Western countries. But it must be remembered that the knowledge of birth control, strictness of law against the use of contraception, and abortion as well as social traditions such as Puritanism, all have their influence upon the number of illegitimate children, though not upon extra-nuptial sex relationships.

The most conspicuous example of private marriage is the so-called common law marriage, which is contracted by the simple act of living together as husband and wife for a certain period of time and the function of the community is only to recognize it as an accomplished fact. Common law marriage dates back to the early days of Christianity which found it almost impossible to eradicate, as much as it wanted to extend its control to all forms of marriage ceremonies. Such marriages were, however, prohibited in England in 1753 and in France by the Code of Napoleon in 1804. It has been stopped in almost all European countries, but in the United States, 22 states still recognize common law marriages.

As noted before, practically all marriages are, however, civil contracts in the United States, although different denominations are granted power to perform the ceremony under the authority of the State law. The Church may in case a marriage is solemnized under its auspices, require some new conditions. The law of marriage varies from state to state, but the principal requirements are the following:

First, that both parties should be free from any other

previous marriage bonds as required by monogamistic principle.

Second, the minimum age requirements must be fulfilled. Legal age varies greatly in different states from 12 to 21 for women and 14 to 21 for men. About one-fifth of the States maintain even today a minimum age of 12 years for girls and 14 for boys. According to the common law, the ages were 14 for boys and 12 for girls, which still influences the age of marriage in America. But the Church requires a little higher age and marriage becomes valid in the thirteenth year of the girl and the seventeenth year of the boy.

Third, parental consent is required by both the State and the Church for the marriage of both parties up to a certain age. In certain cases, marriage may be valid if it takes place after the minimum age has been reached. The consent of parents is usually limited to the ages from 16 to 18 in some States, and from 18 to 21 in others for both sexes. (25)

Fourth, parties should be free from close blood relationship. The marriage of close kins is tabooed even among primitive peoples. The regulations of the Church have undergone changes on this point. During the Middle Ages, marriage was forbidden between members of the seventh degree of kinship and it was reduced to fourth and even third subsequently. In the United States thirty States prohibit marriage between first cousins, Oklahoma extends it to the second cousins.

Fifth, parties must be physically and mentally fit to enter into marriage and to undertake the necessary obli-

gations. Most of the States have added eugenic principles and health conditions to marriage laws.

A recent tendency in American marriage law is for stricter control. This tendency has been accentuated by increasing divorce rates. Most of them have felt the necessity of putting restrictions on hasty marriage in the following way: (26)

First, several States have raised the minimum age of marriage and also the age at which marriage can take place without the consent of parents or guardians.

Second, some of the States have provided that several days must pass between the granting of marriage license and the performance of the marriage ceremony.

Third, most of the States have also made provisions requiring medical certificates as to freedom from venereal diseases of applicants for marriage licenses. Measures have also been taken by some States for preventing marriage of the mentally defective.

Fourth, re-marriage of divorced persons has been made difficult in several States. They have to wait a year and even more to re-marry after divorce.

Finally, there is a movement in connection with the divorce law reform to have uniform marriage laws in all the States under the direction of the Federal Government or one law all over the country by the Amendment of the Federal Constitution.

*Appendix I**Legal Age of Marriage in the United States**

Number of States	Men	Women
13	18	16
10	21	18
8	14	12
7	18	15
5	17	14
4	16	14
2	18	18
2	21	21
Kansas	15	12
New Hampshire	14	13
South Carolina	18	14

* See League of Nations, *The Legal Age of Marriages and the Age of Consent*, 1926, p. 8. Includes Puerto Rico, Panama Canal Zone, Hawaii, Indian Territory, Philippine Islands, etc.

See also *World Almanac* for 1945, p. 576.

Appendix II

Marriage Regulation in the United States

Marriage without consent: Without the consent of parents a man can marry at the age of 18 in 4 States, at 20 in one State and at 21 in 43 States; and a woman can marry at the age of 18 in 35 States and at the age of 21 in 13 States.

Court authorities: In almost every State the court has the authority to marry young couples below ordinary age of consent in an emergency, where due regard for their morals and welfare so requires.

Blood test: This test does not exist in 17 States and in other States it consists of physicians' venereal diseases certificates for males in 4 States and seriological tests for males and females in one State and Wasserman and standard laboratory test in 26 States.

Waiting periods for marriage: Marriage license is granted to applicants immediately in some States, and in from 2 to 4 days' delay in other States. Marriage ceremony may be performed immediately upon issue of license in some States and after from 2 to 5 days delay in others, especially in case of non-resident applicants.

Residence for divorce: Such residence varies from 6 weeks in the State of Nevada to 2 years in some States.

Source: The World Almanac for 1945.

CHAPTER III

ATTITUDE TOWARD DIVORCE

This new concept of marriage has been followed by a changing attitude towards divorce. Marriage is no longer regarded as indissoluble except where the Roman Catholic religion still retains its orthodoxy. Even the latter has made dissolution of marriage possible in certain circumstances. Divorce, which has long been known to both primitive and ancient communities, has become an increasingly common affair in modern society.

The Historical Background

Although marriage as a life-time union has come down from prehistoric times, divorce has also been known from time immemorial. Among many primitive peoples, both husband and wife could repudiate marriage and even secure divorce by mutual consent.

Most of the historical peoples also permitted divorce. Under the Chinese law, the husband could divorce the wife on several grounds, although there were some saving clauses in favor of the wife. The Japanese law on divorce was almost the same as the Chinese until 1873, when a new law was enacted. The law was amended in 1898, restricting the grounds of divorce. According to the law of Manu, the lawgiver about the first century A. D., Hindu marriage was a sacrament and could not be dissolved, but the husband had the right to deprive the wife of her status.

Among the Semitic peoples, the husband could divorce the wife at will. But the Code of Hammurabi, King of Babylon, granted some guarantee to the wife or even to the concubine against arbitrary action. The Mosaic law or the Torah, which Moses is supposed to have received as the written law from Jehovah, gave the husband the right to divorce the wife at will. But the Talmud, or the commentaries of learned Jewish rabbis and judges on the Torah, gave the wife the right to demand the bill of divorcement or the "get" so that she could be free to remarry. The Mohammedan law gave the husband the right to divorce his wife at pleasure and the wife could only bring about a release from marriage by giving up her dowry.

Among the Greeks, divorce was rare in the beginning, but became very frequent in the later days. The same was more or less true with the Romans. At first the *manus* marriage, under which the wife passed from the *manus* of her *pater-familias* to that of her husband, was almost indissoluble. But with the growth of free marriages (without *manus*), divorce could be brought about on common consent or at the desire of one party only. In the course of time, these rules of divorce under free marriage were extended to the *manus* marriage. In the later days of the Republic and all through the Empire, divorce became a common affair among the upper classes.

Christianity brought new concepts of marriage and divorce. The early Christians regarded man and woman as of "one flesh" and disapproved of divorce except on the grounds of fornication and of marriage between a Chris-

tian and a non-Christian. By the end of the Middle-Ages, the Church came to regard marriage as a sacrament and valid forever. A legal separation from bread and board without power to re-marry was, however, permitted. The clergy was even granted power to dissolve a marriage which had not been valid from the beginning for the reason of blood-relationship or previous engagement.

The Reformation repudiated sacramental aspects of marriage and permitted divorce on the grounds of adultery and malicious desertion. The doctrine of natural right further facilitated liberal legislation on divorce and a law was passed by the French Republic in 1792 granting divorce on mutual consent. This law was suppressed in 1816, but re-introduced in 1884 eliminating mutual consent as the ground for divorce. Divorce was possible in England only by Parliamentary action until 1857, when a divorce act was passed and civil courts were empowered to administer the law. During the nineteenth century several countries made divorce legal even among the Catholics.

As a Protestant country, the United States permitted divorce from its very foundation. The regulation of divorce was the function of the civil courts in Colonial times. New England took the lead in liberal policy towards divorce. After the War of Independence, divorce came under the direct jurisdiction of the State Assemblies. Laws were gradually revised and specific causes were laid down for which divorces could be granted. By the middle of the nineteenth century, one State after another transferred the jurisdiction of divorce to civil courts.

2. *Present Conditions*

That some of these marriages would end in divorce is quite understandable. This is brought about by a number of causes such as brief courtship or insufficient mutual understanding, lack of steady or sufficient income, untimely births of children, physical or psychological incompatibility, interference by in-laws, and lack of children in the family. But what is more important is the rapid increase in the divorce rate during the past fifty years. From 0.47 per 1000 population and 5.5 per 100 marriages in 1887, the divorce rate increased to 2.0 or fourfold and 16.6 or threefold respectively in 1940. In 1932, as a result of economic depression the rate declined to 1.29 per 1000 population, but since then it has steadily increased. In addition to divorce, there were also a number of annulments every year, which have been included among divorces since 1933 (27). The first peak of high divorce rate was reached in 1938, when there were 1.90 divorces per 1000 population and 18.5 divorces per 100 marriages; but after some decline, these rates began to rise and, in 1945, they were 3.5 divorces per 1000 population and 30.8 divorces per 100 marriages, although in 1946 they were respectively 4.3 and 26.8.

Divorce Trend in the United States, 1887-1946

Year	Number of Divorces	Per 1000 Population	Per 100 Marriages
1887	27,919	0.47	5.5
1906	72,062	0.86	8.2
1916	114,000	1.10	9.4
1922	148,812	1.35	13.1
1932	160,338	1.29	17.2
1933	165,000	1.31	15.0
1934	204,000	1.60	15.6
1935	218,000	1.70	16.4
1936	236,000	1.80	17.3
1937	249,000	1.90	17.2
1938	244,000	1.90	18.3
1939	251,000	1.90	17.9
1940	264,000	2.00	16.5
1941	293,000	2.20	17.3
1942	321,000	2.40	18.1
1943	359,000	2.60	22.8
1944	400,000	2.90	27.5
1945	494,000	3.50	30.8
1946	613,000	4.30	16.8

Source: Marriage and Divorce Statistics, United States, 1946 (Oct. 24, 1947). Figures for 1946 provisional and for 1945 revised.

This inflation in divorce rate was due largely to abnormal conditions brought about by the war. Of the 1,500,000 war-wed GI's, 800,000 or more than one half returned to civilian life by the end of 1945. About one-

fourth of them were already entangled in divorce cases. It is estimated that by 1950, some 1,000,000 or two-thirds of the war marriages would end in divorces. (28)

This epidemic of GI divorces is to be regarded as one of the costs of war. The chief causes of this high divorce rate were the haste with which most of the GI's married their brides before leaving for service overseas and the separation which immediately followed the marriage ceremony. Moreover, about 100,000 American soldiers married women of different race, culture and language. The problem of these war-created divorces required immediate attention, and the Red Cross, veteran centers, community centers and churches tried to save as many marriages as possible all over the country. On the other hand, measures were taken by Australia, where there were about 6,000 war brides of American soldiers, to help the dissolution of such marriages without establishing residence in the United States.

There is considerable variation in divorce rates in different divisions (29) and States of the United States. In 1940, the latest year for complete data, for instance, the rate of divorce per 1,000 population varied from 0.9 in the Middle Atlantic Division to 4.1 in the Mountain Division and from 0.8 in the State of New York to 47.1 in the State of Nevada. On the other hand, no divorce is granted in South Carolina, since all laws permitting divorce were repealed in 1878. (30)

Another common method of ending marriage is desertion. In the early years of the United States desertion was often resorted to by men seeking new fortunes in the West. However, it has always been practiced by the

poor. Desertion is in fact called "the poor man's divorce." It is owing partly to the costliness of the divorce procedure and partly to the intricacy of the law. Moreover, when religion interdicts divorce, the last resort for a man and even for a woman, is to run away from his or her incompatible or undesirable partner. Illegal divorces or desertions among very poor classes in America are estimated to be about four times as common as legal divorces. (31)

The increase in the rate of divorce may be attributed to various causes: First, the new concept of marriage is the most important cause of divorce and has made marriage a psycho-physical and voluntary union of two independent persons of opposite sex for mutual benefit. Marriage is no longer regarded as a sacrament or an obligation, and as soon as mutual affection, love, respect and confidence subside, marriage loses its moral and spiritual basis and may end in divorce.

Second, the changing social attitude forms another important cause for divorce. Almost all Protestant and several Roman Catholic countries grant legal sanction to the dissolution of marriage. A divorced woman does not find any difficulty in carrying on an independent economic life, nor does she suffer any loss of political rights or social prestige. Moreover, divorce is often recognized as relieving a woman of an unhappy and incompatible union.

Finally, growing individuality among women and rising equality of men and women before law on divorce are also important causes of increase in the divorce rate. A modern woman has her independent existence and expects her husband to adapt himself to her as much as she is willing to adapt herself to him. Her demand for a single standard

of sexual morality and for equal partnership in family and social matters, as well as her non-compliance with many arbitrary rules and habits which man has up to this time imposed upon her are also among the principal causes of divorce.

The rate of divorce is higher in the United States than in any other country for which statistics are available. In 1887, when the first census was taken, there were 23,172 cases of divorce in the United States as compared with 20,111 cases in fifteen other countries. (32) In recent years the divorce rate has increased more rapidly, and in proportion to marriages, the number of divorces is over one-sixth in the United States as compared with one-twelfth or less in France, Switzerland, Japan, and Germany. The rate is ten times as high in the United States as in Great Britain.

Divorces and Divorce Rates in Some Countries

Countries	Year	Marriages	Divorces	
			Number	Per 100 Marriages
Switzerland	1944	34,765	3,138	9.0
France	1940	169,971	11,096	6.5
Germany	1938	645,062	49,497	7.6
England & Wales	1945	395,458	15,634	3.9
Scotland	1944	37,111	1,736	4.6
Japan	1938	538,831	44,656	8.2
United States	1945	1,618,000	502,000	31.0

Source: *Statesman's yearbook*, compiled and adapted. Latest data on Germany and Japan are not available.

The comparatively high rate of divorce in the United States does not necessarily mean that the number of mar-

riage failures is proportionally higher, but that marriages are more easily dissolved in the United States than in other countries. The reason for this higher divorce rate in the United States may be explained on several grounds: First, the comparative newness of the country with a variety of races in population composition and concomitant flexibility of social traditions; second, the more dynamic conditions of society, offering greater facilities for the rise of new concepts in marriage and morals; third, the more lenient divorce laws and the greater financial means at the disposal of the people willing to take advantage of this law; and fourth, the greater development of individuality among American women and the higher sense of morality about marriage. American women will not tolerate in their husbands many things which the women in some other countries are accustomed or compelled to tolerate or condone.

An analysis of the causes of variations in the rate of divorces leads to several conclusions: First: there are more divorces among Protestants than among Catholics owing to the fact that the former regard marriage as a civil contract and the latter as a sacrament. Second, racial composition has an influence upon divorce rate. In 1930, for instance, of the total number of women 15 years of age and over, the percentage of divorced women was .09 among the foreign born, 1.3 among the native born, and 2.2 among the Negroes. Third, there are more divorces in the city than in the country. The dynamic condition of society in the city with greater facilities for divorce, greater opportunities for divorced women to make a living, and the comparative absence of primary

groups, encourage divorce. Fourth, there are more divorces among the rich and the poor than among the middle classes. Fifth, divorces are more common among childless couples than among those who have children. In 1932, for instance, about two-thirds of the divorces took place among the couples who had no children. Finally, the nature of divorce law is also an element in this variation. The high rate of divorces in Nevada is due to the greater facilities which it gives to the couples seeking divorces as compared with other States.

(3) *Causes and Effects*

There are a number of grounds on which divorce is granted. But the most important, or the major causes as they are called, are adultery, cruelty, desertion, drunkenness and neglect to provide, or a combination of them all. Of the total number of divorces in 1932, for instance, over two-fifths were granted for cruelty, over one-fourth for desertion and about one-thirteenth for adultery. In other words, about four-fifths of the divorces were granted on these three grounds and the remainder for neglect to provide, drunkenness, combination of causes and other minor causes. It must be noted that cruelty is in many States a way of saying "incompatibility." In addition to these divorces there were also 3900 annulments in 1932.

Grounds for Divorces in the United States, 1932

Grounds	Actual Number	Percent of Total
Cruelty	66,246	42.7
Desertion	44,605	27.9
Adultery	11,605	7.3
Neglect to Provide	6,620	4.1
Drunkenness	2,178	1.4
Combination of Causes	13,050	8.0
All Other Causes	14,030	8.6
<hr/>		
Total	160,338	100.0

Source: *Marriage and Divorce*, 1932, p. 4. Since 1933 no data are available as to the causes of divorce.

The large number of minor causes include bigamy, coercion, conviction of crime, fraudulent representation, gross neglect of duty, illegal marriage, impotency, incompatibility, insecurity, misconduct, physical incapacity, separation, vagrancy, venereal diseases, and others. There are 36 different grounds for which divorce may be granted in different States. An analysis of the causes of the annulments referred to above also shows that 85 percent of them were due to three causes, bigamy, under legal age, and fraudulent representation. Among other causes for annulments may be mentioned abandonment, consanguinity, coercion and duress, illegal marriage and insanity. (33)

This analysis does not necessarily reveal, however, the real cause for which marriages are dissolved. The real cause is often hidden either because it is hard to prove, or

it is easier to make divorce judicial on some other ground.

As might be expected, divorces are more often granted to the wife than to the husband. The analysis of divorces for a number of years indicates that from two-thirds to three-fourths of the divorces have been granted to the wife, indicating that the husband gives more occasion for divorce than the wife. Moreover, the proportion of the wives to whom divorces have been granted has tended to increase from two-thirds to three-fourths during the forty-five years under consideration. This increase is due partly to increasing independence, both political and economic, on the part of women, and partly to the increasing facilities to obtain divorce.

Proportion of Divorces Granted to Husband and Wife,
1887 to 1932 (in percentage)

Year or Period	Granted to Husband	Granted to Wife
Average-1887-1896	34.2	65.8
" 1897-1906	33.0	67.0
Annual 1916	31.1	68.9
" 1926	19.5	70.5
" 1927	29.0	71.0
" 1928	28.6	71.4
" 1929	28.7	71.3
" 1930	27.9	72.1
" 1931	27.2	72.8
" 1932	26.5	73.5

Source: *Marriage and Divorce*, 1930-32.

With the increase in divorces, the duration of marriage has also been reduced. From the analysis of the past divorces, as shown in the table below, it will be seen that over one-third of the marriages dissolved in divorce did not last five years and about two-thirds lasted less than ten years. On the other hand, it may also be noticed that marriages are frequently dissolved even after 20 years of duration.

Duration of Marriages Dissolved by Divorce in
the United States, 1887-1932 (^{33*})

Duration	1887-1908	1922	1932
Under 1 year	2.1	4.6	3.9
1 year	3.1	8.6	7.0
2 years	6.8	10.1	8.3
3 "	8.1	8.7	8.5
4 "	8.2	7.9	8.0
Under 5 "	28.3	39.9	35.7
5 to 9 years	31.4	26.4	29.0
10 to 14 "	18.0	14.9	16.6
15 to 19 "	10.1	8.6	8.5
20 years and over	12.1	10.1	10.1
Total	100.0	100.0	100.0

Source: Compiled from *Marriage and Divorce*, 1930-32.

The proportion of divorce cases in which children were involved decreased from 39.8 percent of the total for the period 1887 to 1906 to 34 percent in 1922. Since 1922, there has been an increasing proportion of cases

in which children have been affected, the number gradually reaching 37.8 percent in 1930. (34) In some of these cases more than one child was involved. In 1932, for instance, over one-fifth of the divorces affected one child, about one-tenth two children, and some of the divorces affected five children or more. It has been estimated that the number of children annually affected by divorces would amount to over 100,000. (35)

Number of Children Affected by Divorce, 1932

Children Affected	Total Divorces	Granted to Husband	Granted to Wife
	159,710	42,335	117,375
No children	55.4	62.4	52.8
1 child	21.7	16.0	23.7
2 children	9.9	7.9	10.6
3 "	3.8	3.3	4.0
4 "	1.6	1.4	1.7
5 children and over	1.2	1.0	1.3

Source: *Marriage and Divorce*, 1932, p. 6. It is the latest year on which detailed information is available

The most important aspect of the divorce question is its effect on society, which may be considered from three distinct points of view: the public, the parties concerned, and the children affected.

First, legal proceedings in divorce cases including collection of evidence, court procedure, and sensational publicity, especially when the ground of divorce is adul-

tery, have a very demoralizing effect on society. It must be remembered that in many cases evidence is very often prepared by both sides to make the case of the respective clients appear very strong. In all sensational cases, the court is packed with women and there is a special press, i.e., yellow journalism, to give publicity to the most obscene accounts. There is a law in Britain to control such publicity, but no such law as yet exists in the United States.

Second, divorce not only breaks up a family, but often makes it difficult for the divorced person, especially the wife, to build up a new home. This is more so in case a woman is no longer young. The statistical data given above show that about one-third of the marriages dissolved were of 10 years' duration or over and one-tenth of 20 years' duration or over. While a few pretty and young divorcees receive public notice and even proposals of marriage, by far the majority of divorced women live a single life. The single life itself is not unwelcome, but the worry, trouble and vexation and disappointment breaks the spirit of many women.

Third, the most serious and demoralizing effect of divorce falls upon the children of divorced parents. They are deprived of the proper care and attention of one or both parents. The consciousness of the broken home and of the social misdeeds committed by one or both parents is detrimental to the normal growth of the children. It may lead them to hate one or both parents. Moreover, the sensation caused in the course of the court procedure, should adultery by the mother be the ground of divorce, is anything but salutary for the children. The mother is

the greatest source of moral and spiritual force to the children, and to tarnish motherhood with immorality is to deprive them of a most important factor in character building.

In their effect upon society, there is a question as to whether divorce laws are based upon wise principles. Divorces are inevitable and are apt to increase with the growth of individuality among women. Restrictions on divorce encourage falsification in the process, weaken public morality and demoralize parents and children. It would, therefore, be much wiser to facilitate divorce on the simple ground of incompatibility or mutual consent.

4. *Remedial Measures*

The rapid increase in number of divorces has long drawn public attention, and the Church, the State and others have devised or suggested several remedial measures, which should be discussed.

The Church exerts a great influence upon the divorce question. Although divorce, like marriage, is a civil affair, the Church can create a strong social attitude against divorce by denouncing the material and physical aspects of modern marriage, showing the evil effects of divorce upon husband, wife and children, and withholding or delaying religious rites for the marriage of divorced persons and by active participation in the drafting of the divorce laws. The sacramental nature of marriage and the papal encyclical are strong weapons in the hands of the Catholic Church. The Protestant Church too has a great influence upon divorce laws. Recent legislative measures

affecting marriage and divorce are partly the result of the agitation by the Church, both Catholic and Protestant.

The State exercises an effective control over divorces through legislation. Since 1887, when the first divorce census was taken and divorces were found to be on the increase, efforts have been made to check this increase by legislative measures. With the exception of Nevada, Arkansas and Idaho, all the States have enacted laws for stricter control of divorces by extending the period between divorce and re-marriage of the divorced and by making divorce procedure more prolonged and complicated. Since the beginning of the century, there have been attempts to reform marriage and divorce laws throughout the country and to have a greater uniformity among them. In 1905, President Theodore Roosevelt asked for State cooperation to enact uniform laws in his message to Congress and, in 1906, a Congress of Governors was convened with a view to adopting such uniform laws. The Governors sent their messages to the legislatures to that effect, but only three States adopted them. (36)

Women's organizations, congressmen and others have also tried to bring about uniform marriage and divorce laws through an amendment to the Federal Constitution. The first measure on uniform marriage and divorce regulations was proposed in 1911 and a resolution in Congress in 1917 was followed by the introduction of a bill in 1919 and again in 1922. Similar proposals have been made in practically every session of Congress, but have been pigeon-holed by the House and Senate Judiciary Committees. Early in 1945, a resolution was introduced in the House proposing an amendment to the Constitution to establish

uniform marriage and divorce laws for the whole country. A corresponding measure was introduced in the Senate for federal action looking to unification of marriage and divorce laws. (37) Both these measures are awaiting action by Congress.

The importance of uniform or harmonious divorce laws has been brought to public attention by the refusal of the United States Supreme Court to review the conflicting decisions of various State courts regarding the validity of Nevada divorces or even to re-open the controversy over Nevada's six-week requirement as a ground for divorce. The justices denied the review and hence permitted to stand: (1) A refusal by the United States Circuit Court of Appeals for the District of Columbia to recognize a six-week divorce decree obtained in Nevada; (2) A Michigan Supreme Court decision that Michigan Courts must enforce a Nevada divorce; (3) A Florida Supreme Court ruling that a Cuban divorce, obtained in the absence of the wife, would not be recognized unless opportunity had been given for fair trial after service of notice; and (4) A refusal of the Virginia Supreme Court of Appeals to recognize a decree obtained in North Carolina. (38).

Public attention has been drawn to the chaotic conditions of the existing divorce laws of the various States by two apparently contradictory decisions of the United States Supreme Court. In 1942, the Court decided that citizens establishing a legal domicile in Nevada for purposes of divorce were entitled to have their divorce recognized as valid in another State; but in May 1945, the same Court upheld the decision of the Supreme Court of North Carolina invalidating two Nevada divorce decrees on the

ground that the principals involved in the cases had failed to establish their domiciles in Nevada. The United States Supreme Court based its argument on the premise that North Carolina was not required to yield her State policy because a Nevada court had decided that the petitioners were domiciled in Nevada when the decree of divorce was granted. (39) While the first decision led the public to assume that the Nevada divorces were valid throughout the country, the second decision reversed the first.

Differences in marriage and divorce laws and in divorce decrees of various States show confusion and inequity: First, although some one-third of the States have fair tests and waiting periods, their effect is nullified by neighboring States, which have easier marriage and divorce laws. Second, the ground for divorce varies from none in South Carolina and one in New York State to ten or more in other States. Mention has already been made of 36 different grounds on which divorces may be granted in different States. Third, Nevada's six weeks' residence as a requirement for divorce favors the higher income groups as against the lower income groups as far as divorce is concerned. Finally, different divorce laws in different States have made doubtful the status of many persons in one State, who have secured divorce in another State.

Both the inequality and confusion of the existing laws of marriage and divorce have made it absolutely necessary to adopt uniform or harmonious laws for the whole country. There are, however, differences of opinion as to the method of achieving this objective:

First, marriage and divorce laws in various States

should be amended with a view to bringing about a reasonable harmony among them. But legislative action of a State based merely on its special social, political, and economic conditions rather than upon any fundamental principle or national objective can scarcely be like that of any other 47 States in a vast country. This has been fully realized by the Court, which has declared that the unfortunate consequences of conflicting divorce laws are "inevitable in a federal system in which regulation of domestic relations has been left with the State and not in the National authority." (40) Even residence requirements for divorce are different in different States, being 5 years in Massachusetts, 3 years in Connecticut, 2 years in 5 States, 1 year in 31 States, 90 days in 2 States, and 6 weeks in 2 States. Desertion is recognized after 1 year in 22 States, 2 years in 14 States, 3 years in 10 States, 4 years in 1 State, and 5 years in 2 States. (41)

Second, it has been pointed out that Congress can undertake legislation under the full faith and credit clauses of the present Constitution (Article IV, Section 1), which provides that "Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved and effected thereof." It is doubtful whether any legislation can be enacted under this century old clause to meet modern conditions.

Third, the adoption by the Federal Constitution of a general "Welfare Amendment" including domestic relations, e.g., marriage and divorce, industrial relations, and similar problems requiring federal intervention. Under this Amendment, the Federal Government may be empowered to enact uniform marriage and divorce laws

for the country as a whole and also to undertake labor and other legislative measures to meet some of the international obligations.

Finally, the most important proposal for uniform marriage and divorce laws is the Federal Constitutional Amendment, for which women's organizations, Congressmen and others have been striving for over a generation, and which is even now awaiting Congressional action. The wisdom of such an amendment has been questioned on the ground that both marriage and divorce are too intimate and personal affairs to come under such general amendment. But any legislation which affects marriage, divorce and the family must be regarded to be an essential factor in the welfare of society in general. If such an amendment is adopted, the Federal Government will have the power to enact uniform marriage and divorce laws for the whole country.

CHAPTER IV.

POSITION IN THE FAMILY

The most important effect of modern marriage is reflected on the family. The American family, as originally founded by the early settlers, had several characteristics, such as the puritanism of its founders, the property right of the English middle class and the self-sufficing economy of the pioneer life. The English common law determined the position of married women and the law of ^{inheritance} primogeniture that of the children in the family. This original family organization has, however, undergone important changes:

First, the abolition of the law of primogeniture, to which Virginia led the way as early as 1776, was an important step in the democratization of the family inasmuch as it gave equal opportunity to all children for starting life and founding family.

Second, the frontier, which was always moving westward to the Great Plains, to the Rocky Mountains and then to the Pacific Coast, had a great effect upon the American family as well as upon society in general until 1890. It gave a chance to adventurers and younger generations to look for new economic opportunities and thus

kept earlier settlements in the state of constant movement and prevented stratification of social classes.

Third, the new immigration from Southern and Eastern Europe since the Civil War, brought new systems of family life, under which not only the immediate, but also distant relatives found themselves among the members of the family.

Fourth, industrialization, which has rapidly increased since the Civil War, has also opened up new opportunities of work to women and children and thus helped to break up the old patriarchal family.

Finally, growing personality among women themselves, to which reference has already been made, has been a dynamic factor in changing the old family.

As a result of these changes, both the form and the function of the modern family have become different from those of the old. The size of the family has decreased with a corresponding modification in its composition, affecting both the household and home life. The modern family is a democratic institution, in which the wife enjoys with the husband moral and intellectual equality and shares with him equal responsibility for the children. Moreover, owing to her growing personality, an American woman is not only a "mere" wife or mother, but also a companion and a guide to her husband and children.

1. *Size of the Family*

The first effect of modern marriage may be seen in the decrease in the size of the family. According to the United States Bureau of the Census, there has been a gradual

diminution in the size of the American family. From 5.6 in 1850, the number of persons per family gradually fell to 3.78 in 1940.

Decrease in Size of the American Family,
1850-1940

Year	Number of Persons Per Family
1850	5.60
1870	5.10
1890	4.93
1900	4.69
1910	4.50
1920	4.34
1930	4.10
1940	3.78

Cf: *Statistical Abstract of United States* for 1940 and also for previous years.

The decrease in the size of the family has been accompanied by changes in the composition of the family. From a study of 36,320 families in New Haven, it was found that 36 percent of the homes had no children. This included the couples who were newly married and also the couples whose children had grown up and left the home. Only 35.7 percent of the families studied had relatives other than the children. (42) The prevalent number of persons in the American family is about four, consisting of father, mother, and two children.

The absence of relatives other than the children in

about two-thirds of the families is a significant point in the composition of the American family. It means that not only other relatives, but even the old parents, do not, in most cases, live with their married children. Under the old system, the parents did everything to establish their children in life and depended upon them in their old age for their livelihood and family life. But modern parents, while doing everything in their power to educate their children, try to save enough for independent living in their old age. It is only widowed fathers or mothers who, in their extreme old age or destitution, seek the hospitality of their grown-up and married children.

The social significance of this new position of the modern family is still more important. Most of the young couples, especially young wives, although somewhat deprived of the benefit of the age and experience of the older people, have greater freedom to develop their own individualities. Moreover, the children are also freed from the conservative influence of their proverbially over-indulgent grandparents, and their education at home, apart from that at school, is based on the experiences and ideals of their parents rather than those of their grandparents, who are one generation older, and is likely to give them a more dynamic and progressive outlook in life.

There is variation in the size of the family according to different classes of the people, namely, the native-born white, the immigrant and the colored, as indicated by differential birth and death rates. In 1940, for instance, the birth-rate was 17.5 per 1,000 population among the white as compared with 21.7 among the other races. However, owing to the differential death-rate, the surplus popula-

tion was 7.1 per 1,000 population among the former as compared with 7.9 among the latter. (43) Both the birth and death rates among the colored are higher, due to their lower living standard and cultural level. Birth and death rates are also higher among the immigrants than among the native born white population for practically the same reasons.

While the change in the composition of the family, which formerly consisted of a larger number of relatives, might be a contributory cause, the fundamental cause of decrease in the size of the family is the decline in the birth rate. This is a universal phenomenon in the West, as indicated by the decrease per 1000 population in the birth rate, varying from 11.3 in Germany to 26.4 in Belgium during the period of 1921-40.

Decline in Birth Rate in Some Western Countries,
1921-25 to 1936-40
(Birth rate per 1000 Population)

Countries	1921-25	1936-40	Decline	
			Actual	Percent
United States	22.5	17.3	5.2	23.1
United Kingdom	20.4	15.3	5.2	25.4
Netherlands	25.7	20.4	4.3	16.9
Belgium	20.4	15.0	5.4	26.4
France	19.3	14.4	4.9	25.4
Germany	22.1	19.6	2.5	11.3
Italy	29.7	23.6	6.1	20.0

Source: *Statistical Yearbook of the League of Nations*: 1941-42, pp. 36-37.

There is a variety of causes for the decline of the birth rate: First, the new individuality among women makes them long for greater freedom from constant gestation and lactation; second, the higher sense of responsibility on the part of the parents towards their prospective children make them hesitate to undertake parenthood until they are quite sure of their ability to do so; and finally, the rising standard of living and the increasing struggle for maintaining it leads many to limit the size of their families. Of course, the dependable and easily accessible means of birth control is the most important factor in the decline of the birth rate.

The small-size family has some distinct advantages. In the first place, it gives the parents a better chance to take care of their children and of bringing them up to a higher standard of culture. Increasing specialization and technical advance has made essential a higher education for a career. The small-size family can offer the children much better facilities in education than the large-size family. In the second place, the small-size family and the declining birth-rate are also beneficial in the face of growing population and increasing unemployment, even in the United States which is one of the richest countries in the world.

The small size of the family, especially when it is too small, namely, one or two children per family, is not without its inherent defects. Children need opportunities to develop self-expression and self-control, and these require that the children be among themselves for part of the time. This opportunity was well afforded by the old-fash-

ioned large family where the number of children reached 6, 7, or even more. This defect is partly mitigated by the facilities given by public school education and community recreation. The modern method of housing also brings many children together. But neighboring children cannot take the place of one's own brothers and sisters. In addition to play, which is instinctive with children, and in which they are trained in moral discipline, they also need self-control and mutual sacrifice. These are consciously or unconsciously developed in constant give and take with their own brothers and sisters.

The ideal size of the family depends upon several factors: - First, one of the functions of the family is to supply the members of new generations and assure the continuity of the society. Second, variation in the supply of natural resources and the development of new technique require the adjustment of optimum population to maximum production. Third, the growing individuality among women makes it evident that an increasingly large number of women will remain unmarried and childless and their place must be taken up by other women in race propagation, especially in view of the rising fear of underpopulation or depopulation in some of the Western countries. Finally, progress in sanitation and child hygiene and success in reducing the infant mortality are important factors determining birth rate. The adaptative fecundity as determined by optimum population at a given time and the number of women available for undertaking motherhood will be the guiding factors in the size of the family.

2. *Gainful Occupation*

In a foregoing chapter, gainful occupations of women have been discussed. Since the employment of married women outside the household has a great effect upon their marriage and family relations, the subject requires further consideration.

Since 1890, when separate statistics became available, there has been a gradual increase in number of married women employed in gainful occupation. Even in the last three decades, of all women 15 years of age and over in gainful occupation, the proportion of married women increased from 23 percent in 1920 to 35.5 percent in 1940. Moreover, the number of widowed and divorced women, who were also employed in gainful occupation, but are excluded from this figure, also amounted to 15.1 percent. (44)

Increase in Number of Married Women in Gainful Occupation,
1920-40
(Women 15 years old and over)

Year	All Women (million)	Married Women	
		Number (Million)	Percent
1920	8.23	1.92	23.0
1930	10.68	3.07	28.9
1940	12.85	4.56	35.5

Source: *U.S. Census, 1940, Vol. 111, The Labor Force, Part 1,*
p. 26

The reasons which caused so many married women to seek gainful occupations and take up work outside the household are various. Some women, no doubt, seek an industrial career. The monotony and drudgery of home-making and even the enforced leisure of the modern household send others from the household to the factory. But the majority of the women employed outside the household are compelled to do so to assist in supporting their families, or their dependents. An analysis of 22 studies of 61,679 women, both married and single, for a period from 1888 to 1923, shows that 32,795 women or 53.2 percent contributed all their earnings, 23,155 women, or 37.5 percent, contributed part of their earnings to the family, and the remaining 5,729, or 9.3 percent, worked for themselves. (45)

The employment of women outside the home naturally raises the question whether it is beneficial or not. The gainful occupation of childless women may be conceded or even welcomed in view of the fact that they often help their husbands to build homes or raise the standard of living for the family. Moreover, marriage is not a permanent thing. The illness and death of husbands as well as desertion and divorce may compel women to seek outside employment any time.

The employment of mothers is, however, a different question. Their primary duty is the rearing of children. This is realized by mothers themselves, but they are often compelled to work outside. Most of the mothers seeking outside work would like to have part-time employment, but such jobs are not always available. During the

war many women were employed part-time, but with the disappearance of the labor shortage, it will be more difficult to find part-time jobs for women despite renewed efforts for creating "jobs for everybody."

3. *Household Duties*

By far the largest numbers of women are, however, engaged in the household. In fact, practically all women, whether married, or unmarried, contribute towards house-keeping. The women who are employed outside and have no household responsibility are very few in number. A considerable number of women combine the duties of both the household and gainful occupation.

Like the family, the institution of the household has also undergone great changes. There was a time when the household not only produced all that it consumed, but often some surplus for exchange for other necessary commodities. A modern household buys ready made most of the commodities it consumes. The decrease in the size of the family has also minimized the work of modern households.

The work of a modern household may be divided roughly under the following headings: (1) Organization and management; (2) orderliness and cleanliness; (3) feeding and clothing; (4) personal services; and (5) sundry work.

To organize and manage a household is the first duty of a housewife. Balancing the family budget or the arrangement of expenditures according to the income with a view to getting the highest amount of satisfaction, is the

essential principle of household economy. There are several factors which help American women in the successful management of the household: First, special courses in colleges and universities in domestic science and home economics; second, bulletins and other publications of the Department of Agriculture and the State and Federal Governments on the relative value of different foodstuffs and other similar subjects; and finally, department and chain stores, mail order houses and similar sales agencies with their fixed prices and delivery facilities. Besides traditional home training, American women are thus taught to organize and manage households and to appraise the comparative value and cost of different household commodities.

In the work of maintaining orderliness and cleanliness in the home, including washing and repairing of clothing, the great advantage of American women lies in the up-to-date houses with gas, electricity, hot and cold running water, and telephone, as well as in the invention and marketing of labor saving machinery and implements, such as sewing machines, electric washers, vacuum cleaners and electric refrigerators. They add not only comfort and convenience to the house, but also save the housewife from unnecessary drudgery and from expensive domestic service.

It has been said that an American household has not the same neatness and orderliness as that in Holland; nor is its management as efficient as that in France. The American housewife hates to enslave herself to the household nor has she the necessity of economizing as does a French *menagere*. But with the help of modern mechani-

cal devices she manages her household with a fair degree of skill and economy.

As far as feeding and clothing are concerned, the latter is most universally done by department stores and tailoring shops, and scarcely needs the attention of the housewife, except for occasional repairs. But in feeding the members of the household, the American housewife has several advantages, such as the abundance of prepared, preserved, and canned food stuffs, and the simplicity of the American bill of fare. Although America is a country of almost all European peoples, each of which has added its favorite dish to American menu, any one meal consists of only a few dishes. And finally, the custom of having three square meals a day at regular hours, e.g., a substantial breakfast early in the morning, with a light lunch either at home or outside at noon, and a good dinner between 6 and 7 in the evening, thus leaving the housewife the rest of the evening which she can utilize for herself.

Personal service to different members has been reduced to a minimum in the American household, primarily because an average American family has no domestic servant and unless there is an absolute necessity, no one troubles the housewife for personal services. Moreover, "help yourself" is the essential principle of American life and everybody attends to his personal necessities as much as possible.

As far as sundry work is concerned, e. g., the beating of rugs, washing the clothes, clearing away the snow, taking care of the fire in the winter, and similar other work, an average American household uses the services

of temporary help. In case it is not available, all the other members come to the help of the housewife.

The household enjoys a distinct position in the American social and economic organization. There is none of the stigma of inferiority attached to it as in some other countries. This is due to several factors, such as the absence of domestic servants from the average American household, application of mechanical devices, cooperation of all the members in discharge of some household duties and the high degree of cultural achievement which the American housewife generally attains.

A modern American household is in fact the product of two distinct forces: the industrialization of the household or the application of mechanical devices to an increasing number of household duties; and a new individuality among women as indicated by their increasing number of cultural activities. The former has helped her to acquire mastery of household work and thus save time for other activities, and the latter has led her to subordinate household administration to larger interests of life. Instead of being tied down to the drudgery of the household, the American woman spends a part of her time in outside activities for moral and intellectual development.

4. *Home Life*

Closely connected with the household is home life, or the moral and spiritual relationship among the family members. The one supplies the physical and the other the spiritual needs of the family, but both of them are centered around the housewife.

Mention has already been made of the increasing outside activities of American women. These activities have increased rather than decreased the necessity of home life. The very fact that women have to spend a good deal of time in the hurry and bustle of modern life makes them long for a place of refuge where they can feel themselves at ease and realize their own individuality. Longing for a home is, in fact, a natural desire, especially with women. They want to have a place where they can enjoy privacy in the companionship of their nearest and dearest ones.

It must be mentioned that like the household, a modern home has also undergone profound changes. Instead of a primary unit in which all the members of the family spend most of their time together in production and consumption of goods, as in the olden days, most of the members today spend a good deal of their time outside the home; earning members go to work, children go to school, and other members spend a great part of their time in outside activities. These changes have two distinct effects upon life: First, it gives the housewife time to herself for her own personal development and thus to become a more interesting partner; second, it breaks up the monotony of home life. Each member with outside experience contributes his or her share to the family and thus enriches home-life.

The home is only the visible expression of the family and is based upon the same bio-sociological forces which underlie family life. The dominating elements in home life are consanguinity and sociability. While blood-relationship creates the feeling of oneness, propinquity

leads to the growth of mutual sympathy and fellowship. The home also encourages the growth of such moral qualities as accommodation, confidence, benevolence, and respect, which are essential for group life. The ideal that "to each according to his needs and from each according to his ability" finds its fullest expression in the home.

The spirit of democracy is the most outstanding feature of an American home. It dominates the relationship of all the members of the family; husband and wife, parents and children, and among the children themselves. The old patriarchal and semi-patriarchal system has broken down and a feeling of comradeship prevails among all members, with the wife or the mother as the center. Both high culture and new individuality have raised the modern woman in the estimation of the other members. But although she reigns, she does not rule. She builds the home for her nearest and dearest ones and her happiness lies in making them happy.

The modern home under the control and management of the wife is a place of great relaxation to the husband, who has enough outside worry and trouble in the increasing struggles for economic success. Moreover, the experience of the wife in external matters, and her active participation in some of his affairs, either in a consultative or advisory capacity, is also often helpful to the husband.

The chief interest of the home is, of course, the children, to whose welfare the interest of the parents is subordinated. Children enjoy perfect freedom in the American home, and except in the case of gross misconduct, their activities are scarcely interfered with. Moreover, as soon as possible, they are consulted in family

affairs and encouraged to participate in family activities, so that the home becomes a commonwealth of all the members.

What really adds to the sweetness of the American home are, however, fellowship and sincerity, which are among the striking characteristics of American people. These qualities also make an American home very hospitable and the guest is received with an open-heartedness which is scarcely excelled by that of any other country. It does not take a stranger long to feel quite at home in an American family. This feeling "at home" often develops into lasting friendship.

5. *Conjugal Relations*

The real position of American women in modern marriage must, however, be studied in conjugal relations. The changes in the social and industrial organization of the family and the rise of the new individuality among women themselves, as referred to before, has altered the relationship between husband and wife.

Reference has also been made to the comparatively larger circle from which an American woman can choose her husband, as well as to a large degree of freedom which she enjoys in matrimonial affairs. Once she has found her "Prince Charming" and has made up her mind, she will not enter into a long courtship nor will she wait until he has made success in life. She is willing to work with him in building up a home. So marriage can take place even before he can establish himself. Ceremony is simple and the honeymoon is short, for the

struggle for existence is hard in America and time is money.

Marriage leads to the foundation of the family. The modern family is a partnership between husband and wife, each of whom contributes to making it a going concern and takes responsibility for its maintenance. Their separate interests are combined and coordinated and divergent sentiments, aspirations, desires, aims and ideals adjusted for common welfare. It is the success of this partnership, coordination and co-adaptation on which depends the happiness of the modern family.

The outstanding feature of the American family is the social equality which a woman enjoys with her husband. She is his companion and partner, participates with him in undertaking responsibilities and in discharging duties, and has the same rights and privileges in almost all social affairs as her husband. This idea of conjugal equality has developed to a greater extent in America than in any other country, due largely to the growth of new individuality among women including intellectual progress, independent citizenship, and economic independence, all of which have raised the status of women in the American family.

The idea of equality or partnership in marriage has a great effect upon both husband and wife. In the first place, while it has elevated the social position of the wife in the family, it has also controlled the "brute" in the husband. Love for woman is natural in man, but man has not only been husband but also master of his wife, almost throughout history. The idea of equality has created in man a new attitude and a new sense of

duty towards his wife. In the second place, it has created a new sense of responsibility among women themselves. When a woman marries a man, she undertakes with him the duty of helping him to build a home and to rear children. This idea of joint responsibility has relieved man of a good deal of worry and anxiety and has created mutual respect and trust between husband and wife.

The primary object of marriage is no longer only the rearing of children, but if they are born, they become the main concern of parents. The conjugal relation may thus conveniently be divided into four periods with reference to the children. (46)

The first period may be said to cover the time from marriage to the birth of the first child. It is the happiest period. Two individuals, although traveling along two different roads, join their lives together for a more or less common object. Youth and vigor, hopes and aspirations, and romance and adventure add new meaning to life during this period, especially in America, where mates are chosen freely and the shortness of courtship keep the desire for each other's company still strong. It may also be a period of disappointment and disillusion in case the ideal and the actual do not tally, and an adjustment between divergent characters is not found easy. Of course, by far the majority of the couples adapt themselves to each other.

With the birth of the first child begins a new period in conjugal relation. Mutual love has some common object, in which both of them can find expression in selflessness. As the birth of a child is a voluntary affair

Among the upper middle and richer classes, it brings happiness to both parents. It is equally true with the lower middle and poor classes, although most of them have no knowledge of birth control. But with the latter classes, it is also a period of trial and hardship, especially if the first child is followed by others in quick succession. Increasing expenditure and interruption in the earning power of some mothers cause a good deal of anxiety.

The next period of married life begins when most of the children have finished public school or enter the period of adolescence. The period of constant vigilance and worry is over. The children have become companions and friends to the parents. Among the poorer and the lower middle classes, they become, in addition, a great help to the household and are often able to earn money and contribute to the family income. In fact, this is a period of comparative affluence as they have reached the period of the highest income.

The last period of married life begins when the grown up children leave the parents one by one, being called away either by occupation or the desire of building a new home. While with the richer and upper middle classes, it means only separation, causing sorrow to parents, especially to mothers, among the poorer and lower middle classes, it often means, in addition, financial difficulties. Sometimes the old and the widowed father and mother are taken care of by the children. But it is not infrequent that the old and poor people enter public institutions to pass the rest of their lives in thinking of the happiness of their younger days or of the welfare of their children.

6. *Maternal Responsibility*

Motherhood is the greatest event in the life of a woman and it is in this respect that a woman essentially differs from a man. Although the act of giving birth to a child and of undertaking all the responsibility connected with it is a painful one, it is nevertheless the greatest privilege for a woman to be able to become a mother, for in no other event are expressed the finest and noblest elements of human nature as in motherhood. It is no wonder that the ultimate force of the universe has often been worshipped as "mother" by many peoples and that the Madonna still remains one of the highest expressions of humanity and the object of love and veneration throughout the world.

Although a privilege, motherhood nevertheless carries with it great responsibility, which may be divided into three classes: (1) prenatal care insuring sound health and freedom from infectious diseases and hereditary defects; (2) provision for the physical and intellectual necessities of the children; and (3) provision for their moral and spiritual development.

As indicated above, a mother's responsibility begins before the birth of the child. But to perceive such prenatal responsibility requires intelligent motherhood. Owing partly to the increasing education of women and partly to the rise of a new social consciousness toward the children, there has grown a sense of duty among prospective mothers toward their unborn children. First, due to comparative affluence, natural and open air life, and compulsory physical culture in many schools and colleges, a prospective American mother is generally in

the best of health. Second, as to the freedom from venereal diseases at the time of conception, it is largely a social question and most of the States in America require certificates attesting absence of venereal disease before a couple can be married. (47) Third, freedom from hereditary defects such as idiocy, lunacy and epilepsy, is also a social question. Racial improvement through the control of degeneracy has been a social policy and some states have passed law favoring sterilization of the degenerate. The duty of a young mother in the latter two cases is only to follow social policy. The effect of prenatal precautions on the part of an American mother is indicated partly by the comparatively low number of stillbirths in America. In 1943, the number of stillbirths per 1000 live-births, for instance, was 40 in the United States as compared with 68 in Germany, 75 in France, 67 in Belgium and 108 in Italy; and in 1944, this rate decreased even to 27 in the United States. (48)

Stillbirths in Some Western Countries, 1926-43

(Death before one year of age)

Countries	Number of stillbirths per 1,000 live-births			
	1926-30	1931-35	1938	1943
Netherlands	56	45	37	40
United States	68	59	51	40
United Kingdom	70	65	55	52
Germany	94	74	60	68 ⁽¹⁾
France	89	73	65	75 ⁽²⁾
Belgium	95	82	73	67
Italy	119	105	116	108

Source: *Statistical Year Book of the League of Nations*,

1942-44, p. 45; (1) for 1942; (2) excluding Corsica.

A more important duty of the parents is the education of the child. In spite of an increasing amount of institutional education, i.e., education by schools, colleges and similar other organizations in a rapidly evolving society, the basic need of child education in social traditions still remains the function of the family. The family is responsible for adapting the child to the customs, mores, laws and institutions of each community and thus to transmit the social heritage from generation to generation. The efficacy of such education depends partly upon the richness of the traditions themselves and partly upon the capability of the parents to create in their children the power of critical evaluation. Due to its comparative newness, American cultural heritage lacks the profoundness and refinement of the older cultures, but it is immensely utilitarian and dynamic. Moreover, the general high level of education of American parents makes them efficient tutors of their children in the education and transmission of the traditional knowledge.

What is still more valuable and even indispensable in child education is the development of the moral and spiritual life of the child by the parents, especially by the mother, who has a greater role to play in this respect. All the ethical, aesthetic and spiritual concepts of the child, such as right and wrong, beauty and ugliness and love and hatred as well as aspirations, aims and ideals are implanted and integrated by the parents into the very being of the growing child. The child's very beginning of life, plastic and inquisitive mind and imitating and absorbing nature as well as close, intimate and inseparable relationship with parents and above all, the unstinted

love and devotion of parents and especially the sacrifice and never ending vigilance and care of the mother, are the psychological, moral and spiritual forces in the midst of which the child is transformed from a mere animal being as brought into the world by Nature, into an intellectual, moral and spiritual personality as moulded by Culture.

That there are defects in the American family life as indicated by an increasingly large number of cases of juvenile delinquency especially under war conditions, must be admitted. But this delinquency is the direct outcome of the materialistic nature of modern industrial civilization to the exclusion of moral and spiritual aspects of life and is a phenomenon common to all industrialized countries and is not peculiar to the United States alone. While these defects must be remedied, an American mother has several advantages in the discharge of her duties. In addition to the profound love and affection of a mother common to all peoples, an American mother brings to her child a high level of culture, a broad outlook towards life and valuable personal experience in world affairs. She has, therefore, a chance to become a loving mother, a wise counselor and a spiritual companion to her children, combining in herself modern culture with eternal motherhood.

CHAPTER V

LEGAL STATUS OF MARRIED WOMEN

In a previous section, the achievement of suffrage by American women has been described and their participation in administration discussed. Since most of the legal disabilities suffered by women were due to their marriage, the legal status of married women requires special consideration.

The English Common Law, which determined the position of married women in America until recent years, had its origin in the teaching of the Scripture which regard man and woman to be of one flesh. Upon marriage, a woman thus merged her identity with that of her husband and her legal existence was suspended during the continuation of her marriage. These rights of the husband consisted of the following:

- ✓ (1) The husband had the custody of his wife's person. He had sole control of her services and could thus control all her personal liberty. He had the right to suits for injuries to her person. The wife lost the power of separate action in all legal affairs and could not sue alone nor execute a deed without the consent of her husband.
- ✓ (2) The husband acquired the exclusive control of the wife's personal and real estate. He had full possession

of her personal property, and could dispose of it as if it were his own. He also acquired full power to manage her estate and to utilize its profits for himself.

✓ (3) The husband had absolute right to the labor of his wife and to the earnings arising therefrom.

(4) The husband had also exclusive custody of the children.

✓ The husband had, however, to assume some responsibilities. He had to pay off her debts and was liable for her torts, her misdemeanors, and was responsible for the support and education of the children. (49)

(1) *Right to Property*

The legal disabilities of married women at common law existed in the United States to the beginning of the nineteenth century. In 1819, the State of Connecticut granted married women a limited right to property upon which their husbands had no claim. Up to the Civil War, only 13 other States took similar steps with regard to property which married women came to acquire by gift or bequest. (50)

It was not until after the Civil War that statutory measures were undertaken to remove the disabilities of married women. It was done by various statutes called Married Women's Acts. As a result, a married woman can now own her earnings. With the exception of work done as domestic duty, her labor belongs thus to herself. According to the New York State Statutes of 1923, for instance, a married woman has all the rights with respect to property, real or personal, and can make a contract

with respect thereto with any person, including her husband, and can carry on business and be liable on such account. (51) The laws of other States are more or less similar to that of New York.

There still exists some limitation to full property rights of women in many States. In the first place, some States prohibit a wife from entering into partnership with her husband or from competing with her husband without his consent. In the second place, in some States a married woman living with her husband may not engage in independent business, and in others she has to secure her husband's permission for the purpose. Finally, the common law still applies in some of the States unless a husband agrees that the earnings of his wife shall be her separate property. (52)

Besides the States, many semi-public organizations, such as schoolboards, restrict the right of married women to work. According to an inquiry made into 1,532 cities, it was found that over 60 percent of the schools discriminated against married women in appointing teachers, and in half of these cities, single women had to resign upon marrying. (53)

2. *Guardianship of Children*

Another legal achievement of American women is the guardianship of children. According to the common law, the father was the guardian of the child by natural right and the mother became guardian only in the case the father died or otherwise became legally incapacitated. This guardianship applied only to the heir ap-

parent, but since all children in America, boys and girls, equally inherited paternal estate, this guardianship extended to all children during the period of their minority.

As a guardian, the father was bound to support wards and was also entitled to the services of his children. But if his ward had personal property and he had limited means, he was not entitled to the use of his ward's personal property without the court's sanction. The case of the mother as a guardian was, however, quite different. She was not obliged to support her children nor was she entitled to their services. In case she incurred debts, it was on her own personal account and not as a guardian.

Guardianships by statute were of two different kinds: (1) that appointed by deed or will, and (2) that appointed by the Court. All guardians were appointed by the parent or by the ward himself at the age of 14 or over, or by a court of competent jurisdiction. It is doubtful whether a married woman could ever be appointed a guardian to a ward in her sole capacity. She might be a co-guardian of a minor in conjunction with a man. Similarly, a single woman lost the guardianship of a ward as soon as she was married, although she might be re-appointed after marriage.

In form, these disabilities on the position of married women still exist. But in substance, there has been a great change. Equity long ago refused to give effect to the common law right of sole guardianship to the father as against the interests of the child, and on the basis of equity, the Court has always regarded father and mother on the basis of equality for all practical purposes. Thus, although not by statute, but by the award of the Court,

married women in America have secured the right to co-guardianship of the children during the period of their minority.

(3) *Independent Citizenship*

Another important question of woman's political status is that of independent citizenship. Under the Common Law, married women had no citizenship rights. Both individuality and increasing activities have led American women to desire that their political rights should be on the same basis as those of men and that their citizenship should be a matter of their own choice.

In 1855, following the British Act of 1834, the United States Government provided that foreign-born women marrying American citizens should be deemed naturalized and should have the same rights and privileges as their husbands. In 1907, a similar law was passed affecting the status of American women marrying the citizens of foreign countries. (54) These measures were enacted upon the assumption that the citizenship of a married woman was the same as that of her husband.

During World War I a great many difficulties arose regarding the status of American women who had married aliens resident in this country, and who became enemies upon the declaration of war. The property of some of them was confiscated. It was not until after the Presidential election of 1920 that women got a chance to remove these grievances. Both Republican and Democratic parties pledged their support to legislation in the platforms of 1920 that American women should not lose

their citizenship upon marrying aliens resident in the United States. Since then three acts have been passed, namely, the Cable Act of 1922 and its subsequent amendments in 1930 and 1931, by which American women have succeeded in acquiring right to independent citizenship.

American citizenship is, however, controlled by two distinct policies, viz., (1) naturalization policy, which requires among other things, a declaration of intention and a five-year residence; and (2) immigration policy, which makes racial discrimination as to eligibility, and certain nationalities are not permitted to become American citizens. From this point of view, the citizenship of married women in America may be considered under three categories, namely: (1) foreign-born women marrying American citizens; (2) American women marrying aliens or citizens of foreign countries; and (3) alien women marrying alien men who are resident in the United States. Regarding the last class of women, the above acts have made no provision and they may be omitted from this discussion.

As regards the first point, it has already been noted that foreign-born women upon marrying American citizens acquired the citizenship of their husbands under the Act of 1855. The Act of 1922, however, reversed the policy. The object of the Act was to separate citizenship from marriage and to give women independent citizenship. Under this Act foreign-born women marrying American citizens cannot become citizens by reason of such marriage. If eligible to citizenship, they can become citizens without declaration of intention, but by the residence of one year in the country, otherwise they will

remain as aliens. If ineligible to citizenship, they cannot acquire citizenship by marriage, and even may not be permitted to enter the United States.

The case of native-born or naturalized American women is different. Prior to the year 1922, they lost American citizenship by marrying aliens. This situation was modified by the first Cable Act of that year, the main object of which was to restore their rights of citizenship. If they married eligible aliens, they were granted the right to repatriate themselves after a year's residence in the United States. By the Amendment of 1930, this requirement was also withdrawn and they were granted the right to repatriate by a simple affirmative act in a Court of competent jurisdiction. In case they married aliens who were not eligible to citizenship, they lost their citizenship by the marriage under the Act of 1922, and could not repatriate themselves during their marital relationship. But by the Amendment of 1931 they were also granted the power of repatriation.

The main object of the independent citizenship movement is to establish equal status for married women. "The right of any woman to become a naturalized citizen of the United States," says the First Cable Act of 1922, "shall not be denied or abridged because of her sex or because she is a married woman." (55) Although the principle of independent citizenship of married women has been granted, equality with men has not yet been established, as admitted by Miss Breckenridge. (56) An alien woman eligible to American citizenship and married to an American citizen, for instance, can take advantage of the abbreviated method of naturalization, but

an alien husband, eligible to American citizenship and married to an American citizen, cannot have the same advantage. A great step has, however, been taken in the direction of full equal status between men and women.

(4) *Separate Domicile*

Another important question is the right of married women to have a separate domicile or a legal home. Every adult man is a legal person and must have a place or domicile where the law can reach him. As a legal institution, every family must also have a head, who undertakes the responsibility of its members. The common law recognized the husband as the head of the family and gave him domination over the person of his wife and children. As this domination included the right of the husband to the enjoyment of his wife's companionship and services, the right to determine domicile also belonged to him. On the principle of identity of the wife with the person of her husband, the common law recognized the domicile of the wife to be the same as that of her husband. (57)

This right of the husband to determine the wife's domicile had, however, never been absolute: First, this right could not be arbitrarily exercised. In determining the domicile, the husband had to take into consideration the health and comfort and even the social connections of his wife. Second, the incapacity of the husband gave his wife the right to determine her domicile. For example, when a husband became insane, his wife acquired independence of action including the right to separate domicile.

Domestic discord between husband and wife is often an occasion, on which the latter can claim separate domicile. In the case of such discord, a marriage has ceased to be a real marriage and marital relations have been broken. When a wife seeks divorce, she is entitled to separate domicile. This right is recognized by statutes in California and by the Courts in most of the States (58) Misconduct on the part of the husband, e.g., beating, which entitled the wife to sever marriage partially or totally, gives her the same right.

The most important factors which have led married women to demand separate domicile are the civic rights which they have recently acquired. It has already been noted that American women have acquired property rights, equal suffrage and independent citizenship. For the full exercise of these rights and duties, they often need separate domicile: First, women may be required to reside in a State different from that of their husbands' domiciles, so that they can employ their labor outside the household, and use their earnings and distribute their property fully, and even pay their taxes. Second, the right to vote or serve on a jury may also lead husband and wife to have separate domicile. Finally, the right of American women married to aliens and residing abroad, may require them to acquire a domicile in the United States before claiming renaturalization.

The right to separate domicile in the cases noted above, however, does not mean that there has been established absolute parity between husband and wife. In spite of attempts by organized women, inequality between husband and wife still exists. The physical separation between

two persons who retain the rights and obligation of monogamous marriage is a complicated and difficult question. (59) But although perfect equality between husband and wife is not consistent with the practical conditions of marital relations, the very recognition of that equality has a great moral significance. Moreover, if this theoretical right to perfect equality depends upon mutual consent, women's demands can be more easily satisfied. (60)

CHAPTER VI

PROBLEMS OF MODERN MARRIAGE

The attitude of the American woman toward marriage and her position in the family, as noted above, have given rise to two distinct classes of problems: First, the development of a new code of feminine ethics, which can meet both the requirements of a modern woman and the ideals of modern civilization; and second, the adjustment of conflicting interests of a modern woman in her capacity as an individual, a mother and a wife.

Each class of the problems has its own peculiar difficulties. The first implies that instead of certain norms or pre-conceived notions as in the old, feminine ethics should be based on the requirements of a woman as an individual or as a growing personality. It is equally difficult to ascertain the ideals of modern civilization, which in itself is in the process of rapid growth, since the beginning of the present century, especially under war conditions. Nevertheless, the new attitude towards life as well as the new individuality among women form the starting point from which a new code of feminine ethics can gradually emerge.

Similar difficulties arise in devising any method for adjusting the conflicting interests of a modern woman.

Individuality among women is a new development, but even the old ideas of wifehood and motherhood themselves have been undergoing profound changes under modern social, political, and economic conditions. The respective claims of these different interests cannot be determined without taking into consideration the requirements of a modern woman for her highest development in a given time or place. But the solution to such practical problems as companionate marriage, right to motherhood, upbringing of the child and marital adjustment, may throw some light on these questions.

1. *New Feminine Ethics*

As noted above, an outstanding problem of a modern woman is the development of a new code of feminine ethics. The present standard developed at a time when both ethical conceptions and social conditions were quite different and when a woman had no status in society and no voice in her own affairs. It was more or less imposed upon her by man and codified into a standard with the help of law and religion and perpetuated by customs. With the progress of society and the rise of individuality among women, there has been growing a new code of feminine ethics.

The old standard of feminine ethics, which still controls the attitude and behavior of the majority of women, may be analyzed in the following terms: First, a woman must observe absolute continence outside the wedlock and, according to the Orthodox Catholic Church, must marry with the sole purpose of having children. Second, a

woman must play a passive role in love and marriage and must be spoken to and asked for in marriage, with her role limited to refusing or accepting man's proposal. Third, a woman must refrain from any expression in dress or otherwise which might prove seductive to man. Finally, a woman should keep away from all knowledge of sex life and should not be taught anything about it. The knowledge and practice of birth control are, of course, contrary to the law of nature, society and God.

The origins of the existing standards of feminine ethics may be traced to different sources: First, social, political and economic stages, through which all communities have passed, have left their marks upon feminine ethics. As is well known, the inability of woman to play the same role as man in defending the tribal group and procuring food, and her enslavement in many communities in the earlier stages of social evolution, have made her position inferior to that of man. Second, various religious doctrines and the biblical mythology of creation deeply affected feminine ethics. The whole story of creation has its origin in sin and the role which Eve was supposed to have played in seducing Adam has brought perpetual condemnation upon herself and succeeding generations of women. Marriage itself was scarcely favored by the early Church Fathers and was permitted only because there was no other means of increasing the number of the faithful. Third, ancestor worship also added new restrictions upon woman, so that man could be sure of his own progeny, which was the connecting link between himself and his ancestors. Most of these codes of morality are barriers to the physical, intellectual and moral development of a

modern woman and thus hinder her development and self-expression.

The new ethical standard of a modern woman must be considered from two distinct points of view, her new concept of life and her psychological nature: First, human life, as conceived in the light of modern science and philosophy, is a continuous process of growth in personality resulting from the gradual unfolding of the inner self as well as from the constant adaptation to physical and social environments. Any conduct which is conducive to the growth of this personality and to the progress of society must be regarded as ethical in its nature. Second, the new code of feminine ethics must be based upon her psycho-physical nature. It must be recalled that although the ultimate object of nature is the preservation of race, individuals are led to its propagation by sex impulses, which, though a simple and blind force among lower animals, becomes increasingly complex, conscious and even deliberate among human beings, especially as they rise in the scale of social evolution.

The complexity of sex impulses in the human society arises from its close relation with kindred impulses and emotions. It is the basis of more or less permanent attachment or love between man and woman, which itself is a virtue and has its own reward. It is accompanied by much more highly developed parental and self-abnegating emotions, which give rise to the feeling of tenderness and spirit of self-sacrifice and bind parents and children into life-long attachment. Equally important from the spiritual point of view is the fact that with these reproductive and kindred impulses are closely connected most of the im-

portant sentiments, ethical, aesthetic and religious, which are among the highest achievements of human society.

A basic question of feminine ethics is whether marriage should be motivated by its own merit or by its ultimate object of race propagation, as desired by the Catholic Church or the cult of ancestor worship, both of which have, however, little influence upon modern marriage. It must be pointed out, however, that the Catholic doctrine of sex ethics is based upon the conception of the original sin of man, whereas under this code of ethics, sex relation is regarded as the basis of binding moral and spiritual relationship between man and woman. Moreover, while race propagation among the lower animals follows a blind impulse without reckoning its consequence, man, as an intelligent being, must use judgment and avoid both race degeneration and over-population in undertaking marriage responsibilities. Since the suppression of sex impulse may prove physically, morally and even spiritually detrimental to a person, marriage becomes a necessity, even where parenthood is not desired.

The regulation of parenthood implies the possession of the knowledge and means of controlling birth and naturally raises the question as to whether or not birth control violates the law of nature. It must be mentioned that birth control, in some form or other, had always been practiced by primitive and ancient peoples and became widespread and scientific only in modern times. With the progressive realization of the necessity of restricting population and avoiding degeneracy, the importance of birth control has become more and more evident. Moreover, if it is admitted that marriage is a necessity even

when parenthood is not desired, birth control becomes the only alternative.

That indiscriminate dissemination of the knowledge of birth control may be harmful to young men and young women must be admitted. But such knowledge cannot be held back from those who seek it. Curiosity on the part of young men and women and commercialization on the part of dealers, makes the dissemination of the knowledge rather easy. But the solution of the problem lies not in withholding information, but in providing a proper and coordinated system of education in the physiology, psychology and ethics of sex life and in increasing the sense of responsibility and the spirit of sublimation, i.e., idealization of sex and allied impulses in terms of moral and spiritual values.

Love should be a preliminary condition to sex relation. Such relation attains its end in the highest degree when allied emotions and corresponding sentiments are also simultaneously satisfied. Moreover, the deep emotional element connected with sex relation, when sublimated, forms the basis for the development of a permanent moral and spiritual relationship between man and woman, the effect of which may last far beyond the period of sex life and become a source of great happiness through life and death.

One of the anomalies of the present code of sex ethics is the existence of double standard, to which reference has already been made. While sex conduct of woman is strictly regulated, both legally and morally, that of man is left comparatively free. The stock argument in favor of this double standard is that as among the males of

lower animals, the sex impulse is much stronger in males than in females. It must be mentioned that owing to the higher development of such other impulses as maternal feelings and self-abnegation, the real nature of the sex impulse does not often become evident to the same extent in women as in men. But the admission of the fact that men have stronger sex impulses does not warrant the acceptance of a double standard. In spite of stronger sex impulses, many male animals, e.g., birds, stick to their mates for life.

The existence of double standard has its historical basis in political and economic factors. The domination of women by men practically throughout history, free sex relations with slave women and concubines, mastery over the family under the patriarchal system, and complete control of women under common law, have given men a great advantage over women. Men have developed a standard of sex morality for themselves and perpetuated it with law, religion and property rights over which they have full control in most of the communities.

Whatever may be the explanation of double standard, its evil effects cannot be minimized. It encourages fornication and prostitution with its associated degradation and disease. The effect of commercial vice is, of course, most degrading to women victims. Its effect, however, is not confined to them alone, but reaches many innocent women in the family. Moreover, it discourages marriage on the part of many men who would otherwise have taken the responsibilities of marriage and the family. A large number of women are thus deprived of the chance of marriage. What is still worse is the fact that it mars the

sentiment of sublimation and the growth of spiritual relationship between husband and wife.

While insisting on a single standard, woman should try to raise the standard of man rather than to give up her own: First, prenuptial sex relations are more harmful to woman than to man inasmuch as her sex impulse is based upon deeper emotional life. Second, some of the highest sentiments, attitudes and values, such as parenthood, devotion, self-sacrifice, idealism and sublimation, are much more closely related to the sex impulse of woman than to that of man. Finally, since marriage and the family mean much more to woman than to man, such relations are much more detrimental to the interest of woman herself.

One of the reasons why so many men and women avoid marriage in sex relations is the fact that both marriage and divorce are often too costly and complicated to meet the needs of modern times. With the Catholics, of course, marriage is inviolable and divorce unavailable. Every man and every woman should have full facilities to enter into matrimonial relation whenever they wish and to break off the relationship at their express desire without much inconvenience.

Sex relations should be preceded not only by love but also by marriage, for marriage is one of the oldest institutions and has been found essential in almost all communities. By living with a man out of wedlock, a woman not only violates a time-honored institution but is likely to lose the respect of society, of the man with whom she lives and even her own self-respect. A respectable man should never do anything to lower the self-respect of the woman

whom he really loves. When a woman wants to have a child, marriage becomes an essential and primary duty of a woman, who owes it to her child. Although illegitimate children are now being accorded the same rights and privileges as the legitimate children in some countries, the stigma of illegitimacy still remains on these children. No sensible woman should fail to meet this primary responsibility to her own child of bearing it in wedlock. Finally, even a woman who does not want to have children and wishes only love relation, should get married. However deeply in love two persons may be, human nature has its own weakness and frailty and public recognition of mutual love by marriage is of great help towards its solidarity and stabilization.

The essential features of the new code of feminine ethics are that both marriage and motherhood are largely voluntary instead of being imposed as in the past and the latter has even received social approval. Although based on the old code, they have gradually evolved in modern times and may be enunciated and summarized in the following terms:

First, goaded by the eternal urge of the cardinal biological principle of race propagation as in the case of all living beings as well as by parental and kindred impulses and emotions, highly developed among human beings, man and woman seek each other's companionship for the satisfaction of their mutual longing, for the full expression of their inner selves and for the coordination and consolidation of their life processes. Although born and reared in the closest spiritual intimacy of their own parents in different families or even different communities,

man and woman, when grown up, unite their lives, build their own home, rear their own children and, when their grown-up children leave them, continue to live together until death separates them. Marriage is thus based on both biological and social principles and is a physical, moral and spiritual need, especially to woman.

Second, while race propagation is a blind force among lower animals, it becomes increasingly conscious, intelligent and even deliberate among human beings, especially as they rise in the scale of social evolution. Though extremely desirable and a primary object, motherhood is not an essential and inevitable part of modern marriage, inasmuch as it is not always compatible with the physical condition, living standard and cultural ideal of a modern woman, nor with the intelligent transmission of hereditary characteristics and with the adjustment of population growth to food supply. Both from biological and social points of view, voluntary motherhood is, therefore, essential to modern woman.

Third, mutual love and affection are the ethical basis of marriage. As a social institution, marriage requires social and legal sanction for its performance, duration and dissolution. Marriage gives social recognition to the union of man and woman, adds to their mutual respect, and stabilizes and solidifies their common life. Moreover, marriage is an essential condition to parenthood, which both parents owe to the child for its sound heredity, adequate up-bringing, and proper social standing.

2. *Companionate Marriage*

Apart from a new code of feminine ethics, there are

also several practical problems of a modern woman which need solution. As an individual, a modern woman is confronted with a two-fold problem: First, ambition for a high cultural and income level or an independent career; and second, a desire for love and marriage. It is the latter problem which is the more complex. A considerable number of women, specially among the younger generations, regard the sex impulse as a psycho-physical imperative, for the satisfaction of which love, but not marriage, may be conceded to be a necessary condition. Some of them even demand the same privileges in sex matters as have hitherto been enjoyed by men. This attitude is responsible for many cases of sex adventures and irregularities among girls and young women, which Judge Lindsey graphically described in his *Revolt of Modern Youth* about two decades ago and which seem to have become worse among the generations of bobby-sox girls as compared with the flapper girls of the "twenties."

As a method of solving this problem, there have been suggested several remedies, such as free love, trial marriage and companionate marriage. First, that free love cannot meet the moral and spiritual requirements, especially of women, need scarcely be discussed. Second, trial marriage as a method of stabilizing marriage will be discussed later on. It may be pointed out here that if there are offsprings in the trial period and the marriage proves a failure, there is no provision made for the children of such a marriage. Finally, companionate marriage, as advanced by Judge Lindsey, is a serious proposition and requires special consideration. As defined by Judge Lindsey, it is a "legal marriage, with legalized birth con-

trol and with the right to divorce by mutual consent for childless couples, usually without the payment of alimony."

Companionate marriage is, however, subject to several criticisms. First of all, the very name is a misnomer, because marriage differs from other associations in the fact that both partners concerned are impelled by a desire to love and cherish each other without stint or limit. This spirit of unlimited and unstinted love for each other is the essence or spiritual basis of marriage. Any limitation of this relationship takes away its spiritual character. In the second place, the revolt of modern youth, to which are ascribed these irregularities, is a mental attitude and the problem cannot be solved by means of mere external device alone without at the same time creating a new sense of personal morality.

The necessity of personal morality arises from the very condition of modern society. Sex irregularities among young men and women arise from several causes, such as loss of faith in dogmatic religion, the dependable means of birth control readily available, and the impossibility of external control of sex behavior in these days of free movements. In other words, there is no fear of any kind, either here or hereafter, which can prevent youth from sex experiments. Only personal morality can guide them in the right direction.

Personal morality is the conduct of a person as guided by individual conscience, or more properly, by the inner entity resulting from his innate tendencies and impulses, from education and training, and from social attitudes and social values as affected by the custom, mores, laws

and institutions of a given time and place. Personal morality has its origin in the period of childhood and adolescence, when the sense of right and wrong is implanted in the impressionable mind by their parents and developed under their benign influence, fostering care and constant vigilance. This sense takes definite shape when the child emerges as an individual facing the problems which require independent thinking and action. Once formed, this personal morality becomes the guiding principle of his conduct throughout his life subject only to subsequent modification through age and experience.

As in the case of other spheres of life, there is a great need of high ethical standards in sex and family relations, which have hitherto been based upon social custom and dogmatic religion. With the evolution of society and the rise of new social values, the old sex and family ethics require reorientation to suit modern conditions. Still more important is the fact that with the growth of democracy and the rise of individualism, old social injunctions as a moral code have lost a great deal of their force and only personal morality can be a real guide to sex and other behavior.

There are several essential conditions for the development of personal morality regarding sex life: First, the realization of the fact that the sex impulse is a great asset in life inasmuch as it is the expression of the eternal urge for mutual longing between man and woman and is closely related to other higher emotions and sentiments; second, full knowledge of sex life in its physical, moral and spiritual aspects and of its effect upon marriage and the family; and finally, the significance of the sublimation

of sex and kindred impulses and emotions upon the moral and spiritual relationship between husband and wife.

Marriage should be made available for the expression and realization of love among young men and young women at a comparatively early age. Both late marriage and uncertainty of marriage make many young women reckless in sex life. They must have a chance of marriage while they are in the best period of youth and attractiveness. Moreover, love or satisfaction of psycho-physical needs, apart from motherhood should be sufficient ground for marriage. It must be pointed out that early marriage does not mean child marriage nor marriage of adolescents, but simply marriage in early twenties, or in some cases, even in late teens. As a matter of fact, about one-tenth of women in the United States marry between the ages of 15 and 19. Such early marriages are not without their advantages.

From the physiological point of view, man and woman should unite in matrimonial bond while their minds are still plastic, i.e., before their thoughts, ideas and attitudes are rigidly fixed. It gives them an opportunity for mutual adjustment to the habits, actions, aims and ideals of each other so that marriage may become a moral and spiritual union.

One obstacle to early marriage is the widely held belief or social custom among the upper and middle classes that before marriage, a man must be economically successful and must be in a position to build a home for his wife. While men are in the meantime granted all the privileges of sex freedom, young women are asked to waste away their youth and attractiveness under constant vigilance.

It is this system which is being seriously challenged by young women. Either sex freedom on the part of young women should be regarded as "innocent pastime," a step which is bound to lead to promiscuity, or they should be encouraged to marry at a comparatively young age, if they want to.

A more serious argument against early marriage is that it is detrimental to the achievement of higher cultural and economic levels. Such marriages have some disadvantages which can be remedied: First, marriage need not interfere with the ambition and enterprise of young women in this age of voluntary motherhood; second, as long as a young woman strives after a higher culture or career, there is no reason why she should not continue to receive an allowance from her parents, if they are in a position to grant financial assistance. Finally, a young couple may be helpful to each other in building up their individual or combined career.

3. Right to Motherhood

There are also women who claim the right to motherhood without marriage. They find it difficult to become wives and yet they long for children. They demand that their children should be recognized as legitimate and be named after them. The so-called illegitimate children born of parents who have not been legally recognized as husbands and wives, are different from those children demanded under the right to motherhood in the sense that fatherhood has no place in the latter cases.

There is no doubt that marriage has become a problem

to a considerable number of women. A talented woman looking forward to a brilliant career as a singer, player or writer, finds it difficult to undertake the responsibilities of an ordinary wife. A more or less similar situation arises in the case of professional women, the number of whom is increasing every day. Prolonged study and training, and long periods of waiting for establishment in a career force them to postpone marriage until they lose their youth and attractiveness. Intellectual and economic independence also make them less attractive to many prospective husbands. Moreover, the number of men who can meet ideals of these women and become their husbands, is also limited. Celibacy thus often becomes a necessity rather than a choice to many modern women. The solution of the problem depends, however, upon a change of attitude towards marriage rather than upon the undermining of the marriage institution as is proposed under the claim of the right to motherhood.

The demand for motherhood without wifehood is rather naive in the sense that close and intimate relationship with man are as much involved in this motherhood as in the case of a married woman. This right is bound to lead to promiscuity, inflicting still graver consequences upon society than those of companionate marriage. While the latter undermines the spiritual basis of marriage, as noted before, the former destroys the institution of marriage itself. Moreover, the demand arises from a selfish motive. While avoiding the responsibilities of a wife, such a mother seeks the satisfaction of the maternal emotions and neglects the claims and best interest of the child.

The child has as much right to its father as to its mother.

A child is a descendant of both parents, as determined by the law of heredity, and inherits, for good or evil, paternal and maternal characteristics in almost equal degree. The child is, therefore, entitled to the full knowledge of both parents and a mother has no right to withhold it from her child. It might be said that illegitimate children are for the most part ignorant of their fathers. But illegitimacy arises out of the pathological condition of society, and there is no valid reason why the number of such children should be increased and social sanction be given to it.

The child has, in fact, a two-fold claim upon its parents: (1) Sound birth or freedom from congenital defects and (2) sound nurture or proper upbringing. Of the two, the former is more important. The State may undertake the control of defective heredity through legislation, but without the active cooperation of the parents themselves, it is almost impossible to eradicate it. Even apparently sound parents may conceal such diseases as insanity and it is only the sense of personal morality that can prevent a man from perpetuating such defects. In fact, nothing is so deterrent to irresponsible parenthood as the parents' fear of judgment by their own defective children.

As to a woman marrying only for the sake of having a child and living separately or even separating soon after the birth of the child, there cannot be any strong objection. Here one of the prime objects of marriage, i.e., procreation, is fulfilled and the claim of the child upon knowing the father as well as of society upon marriage as a condi-

tion to parenthood is also met. But the question is whether the mother alone can bring up the child or whether both parents are needed for its proper upbringing. Although many mothers are compelled to take full responsibility of their children and some of them are better prepared than fathers to take care of their children, especially in the United States, both fathers and mothers are natural custodians of their children, and the children require both maternal and paternal care and influence for their proper upbringing.

There cannot be any objection to naming the child after the mother. This system existed in the matriarchal family. There is a growing objection on the part of modern women to be called "Mrs." or "Madam" after marriage, while married men bear no such distinction. There is no reason why women should not be granted the option of bearing their maiden names. Naming the child after its mother involves, however, the question of inheritance. In tribal communities, where the matrilineal system prevailed, not only the name, but also a part of the property which was largely communal, descended through the mother. But in modern society, property is mostly personal, and it is man who is generally the producer and owner of wealth, and property is largely transmitted through the father. If the father is deprived of the right to transmit his name to his children, he may not like to transmit his property. A large number of women, however, own property and as the introduction of the matriarchal system does not necessarily mean the abolition of the patriarchal system, the two can exist side by side. All the women who undertake the sole or the major part of the responsibility

of children should be entitled to call their children by their maiden name.

4. *The Upbringing of the Child*

The upbringing of the child is another problem of modern marriage. Society gives a moral and legal sanction to marriage and the family mainly with a view to securing the education or upbringing of the child. The interest of society in the family lies really in the fact that the family not only supplies new generations to replace the old ones and thus insures the continuity of social population, but also transmits social heritage and carries forward social traditions, including all intellectual, moral and spiritual achievements, from generation to generation. From the social point of view, the main function of the family is to supply the physical, moral and spiritual needs of the child for the growth of personality. The interest of the parents in the child is, however, quite personal and in this personal interest lies the security of the child.

The child satisfies the moral and spiritual needs of the parents. The child is the psycho-physical embodiment of their own selves, thus satisfying their mystic longings for immortality in the form of biological continuity. The very helplessness of the child also calls for unstinted and unlimited self-sacrifice and gives the parents a supreme happiness, to which there is no equal. The innocence of infancy and the vigor of youth also make the parents live their lives over again in their children. Moreover, when grown up, the children become friends and companions.

The child is also a part of the socio-economic organi-

zation of the family. Formerly, a grown-up son took care of the oblation of the dead, the responsibility of the home industry, the support of old parents, and the up-bringing of his own children. In modern times, the family has undergone great changes and the function of the child has also changed. With these changes, the position of the child in the family has also become insecure.

The first element affecting the security of the child in the modern family is that he is often an uninvited guest. In order to receive unreserved parental affection, the child must come to the family with the common consent of both parents. This implies, of course, voluntary parenthood, which is practiced mostly by the rich and upper middle classes, and is insufficiently understood by the lower middle and working classes. Puritanism, prudery and police combine to keep the knowledge and means of birth control from the very people who need it most. The child is therefore frequently "unwanted" among such people and becomes a burden rather than an object of love and affection.

Unlike the old-fashioned child, the modern child is a great responsibility and liability. He requires careful attention and prolonged education, and although for a period, grown-up children may add to the family budget, this period does not last long. With the diminution in the economic value of the child, there has also disappeared his religious value and his importance to ancestor worship. The main function of the child in the modern family is moral and spiritual and in order to fulfill this function, he must come at the express desire of the parents. The

security and welfare of the child thus partly depend upon voluntary parenthood.

The most important source of insecurity to the child in modern times is divorce. This is the most disturbing force in disintegrating the family and interferes with moral and material conditions essential to the normal growth of the child. As noted before, a considerable number of these children are annually affected by divorce and many of them have to depend solely upon their mothers. Similarly, widowhood, desertion and illness or insufficient income of the father also compel a large number of mothers to take full or partial financial responsibility for their children in addition to providing maternal care. The education of the child in such cases can be assumed in several ways: First, economic help in the form of subsidy to the mother, whenever needed, and provision for her of part-time employment, if necessary; second, provision of creches and nurseries while the mother is employed in gainful occupation; third, modernization or industrialization of the household on the co-operative basis or otherwise so that the mother may be relieved of drudgery and may devote more time to the moral and spiritual needs of her child.

The struggle for existence which many mothers have to face presents still another danger to the development of what is best and noblest in the mother. Unlike the old-fashioned mother, the modern mother often must take not only financial responsibilities of the child, but must also think of the future and the need to earn her own livelihood, when the child is grown up and marries and is unable or unwilling to support her. The proverbial

mother-in-law has fallen into disfavor in the modern family. Many mothers would like to live alone rather than become unwelcome guests in the households of their married children. As in the case of the nursing or young mother, the old mother also needs social security in the form of old age pension so that the thought of her old age may not interfere with the highest expression of her love and devotion to the child.

The rise of the new individuality has naturally created personal ambition in a modern woman, and has raised apprehension regarding the full expression of her motherhood. The old-fashioned mother had no independent existence. She subordinated her own interest to those of her husband and children. She lived for them and her greatest desire and highest happiness were to see them healthy, happy and successful. But a modern woman, especially in America, has often her own aims and ideals to realize and her own career to follow. In addition to abnegating herself to the husband and children, she must often assert herself for her own self-realization and this may be contrary to the very essence of motherhood.

There is, however, no contradiction between intelligent motherhood and personal ambition. Motherhood is a part of self-realization. Unlike the old-fashioned mother, the modern mother can understand the real needs and requirements of her children and can play a much better role in their moral and intellectual development. Her very ambition is an inspiration and her own experience is a great help to her children for striving after a higher and nobler life.

5. *Marital Adjustment*

The most important problem of modern marriage is, however, the adjustment of conjugal relation. Although common parenthood adds stability and solidarity as well as moral and spiritual values to marital relation, an increasingly large number of marriages is bound to remain childless in modern times. In any solution of the problem of marital adjustment, all kinds of marriages, whether they have children or not, should be taken into consideration.

A most visible sign of marital maladjustment is the increase of divorces and annulments, which amount annually to almost one-third of the number of marriages. The number of desertions or illegal divorces is also considerable. That moral and spiritual relationship does not exist in a still larger number of marriages may be reasonably assumed. The strict regulation of marriages and divorces by legislation has, therefore, been put forward by some as a remedy for marital maladjustment, as indicated before.

First, there should be uniform divorce laws in all the States under the control or guidance of the Federal Government. That lenient laws in some of the States, e. g., Nevada, attract persons from other States to get divorce cannot be denied, but marriage does not really exist among the couples who cannot get along or who have decided to separate. To keep them together by stricter laws would mean the violation of the very principle upon which the sanctity of modern marriage depends.

Second, the re-marriage of the divorced persons should

be made difficult by withholding sanction for a sufficient length of time. There is no question that some persons divorce their partners in order to marry others, whom they have already selected. But withholding marriage sanction from such a couple will only encourage them to live as husband and wife out of wedlock rather than solve the problem. Those who want to celebrate their divorce and remarriage about the same time should be left to public censure rather than be subjected to legislative measures.

Finally, there should be appointed Courts of Domestic Relations with a view to reconciling the aggrieved parties before granting divorce. The importance of such a measure cannot be denied. As a matter of fact, many of these Courts already exist and have been doing very good work in some of the States. But the scope of such work is limited. Only a few of the couples, who have once gone to the divorce court, are willing to resume the old normal marital relations.

There are still others who believe that the cause of marital maladjustment, as indicated by increasing divorces, is incompatibility. Most of the marriages are performed hastily and men and women have no time to find out whether their companions are compatible or not. According to them, the remedy lies in better selection and several suggestions are made, such as maturer age, longer courtship and trial marriage:

First, a large number of marriages take place among young persons who do not know their own minds and do not know how to make proper selection. They must attain the proper age before marriage so that they can develop

better judgment in selecting their life companions. There is no question that men and women should know each other better before they undertake life-long companionship. But there is an assumption here that the relationship between husband and wife is based more upon reason than upon sentiment. Late marriage is no guarantee of permanency.

Second, young men and women should know each other more thoroughly through longer courtship in order to learn whether they are compatible companions. Of course, close acquaintanceship before marriage is helpful to a more solid relationship. But what is needed for mutual understanding is the freer and more sincere exchange of thoughts and ideas rather than longer period of courtship. It must be said that modern American women are on the whole very frank and are quite different from the old-fashioned women brought up in the atmosphere of snobbery and prudishness and what is needed is a more sincere approach to courtship rather than a longer one.

Finally, there are still others who believe that a steady and happy marriage depends upon a thorough and intimate understanding of the parties concerned and that this is possible only when a couple live together as husband and wife for some time before they are permanently and publicly married. Some of the objections to companionate marriage are also applicable in the case of trial marriage. Trial marriage may be taken advantage of by all those persons, both men and women, who are opposed to marriage as a social institution and may usher in private marriage with all its complications regarding children and property. The advocates of companionate

marriage realize these difficulties and suggest the solution of the problem by teaching the parties birth-control and making it a condition that in the event of any separation the wife should have no claim upon the husband for alimony. The worst feature of the proposition is that it gives unscrupulous men an opportunity to take advantage of innocent girls and young women, who will have no social protection against such design. Moreover, there is no time limit in trial marriage, which is altogether a private affair. Since about two-thirds of divorces take place after five or more years of marriage, and some divorces even after 10 and 20 years, trial marriage does not hold any prospect of bringing durability and permanency to the existing marriage system.

However valuable some of these suggestions may be, they are quite inadequate to solve the problem of marital maladjustment. The fundamental cause of marital maladjustment must be sought in changes in social attitudes and social values. The rights and privileges achieved by a modern woman have brought about a distinct change in her social attitude. Moreover, the progress of art, science and philosophy as well as the development of social, political and economic institutions have shaken the basis of old assumptions, dogmas, creeds, and beliefs and given rise to new social values. Marital adjustment should be approached from the points of view of these rising moral and spiritual values.

First, an attitude of perfect equality between husband and wife is the basic element of marital adjustment in modern times. The rise of new individuality has made modern woman a growing personality while social, political and economic movements have also called for the growth of personality in man. A modern marriage has

thus become a dynamic institution and requires continuous adjustment on the part of both husband and wife. They should not only love and respect each other, but should also have sympathy and appreciation of each other's aims, aspirations, and ideals, so that they can be a help and inspiration to each other in their forward march toward self-realization and self-expression.

Second, complete partnership in all family affairs is another element of marital adjustment. A number of factors, such as intellectual progress, economic independence, independent citizenship and voluntary motherhood, have changed the status of a modern woman from a passive and dependent housewife into an active and responsible partner in all family affairs, internal and external. While the husband must give up his age-long "superiority complex," the wife must also develop a higher sense of duty and responsibility for developing a spirit of adaptation and cooperation.

Third, another element of adjustment is the active participation by husband and wife in cultural and recreational activities, which have been rapidly increasing in volume and variety in modern times, and which have had a great effect upon both individual and family life. They enlarge and enrich the personality, bring relaxation and relief to commonplace drudgery, and stimulate the growth of congeniality and sociability, which are of great help to conjugal attachment.

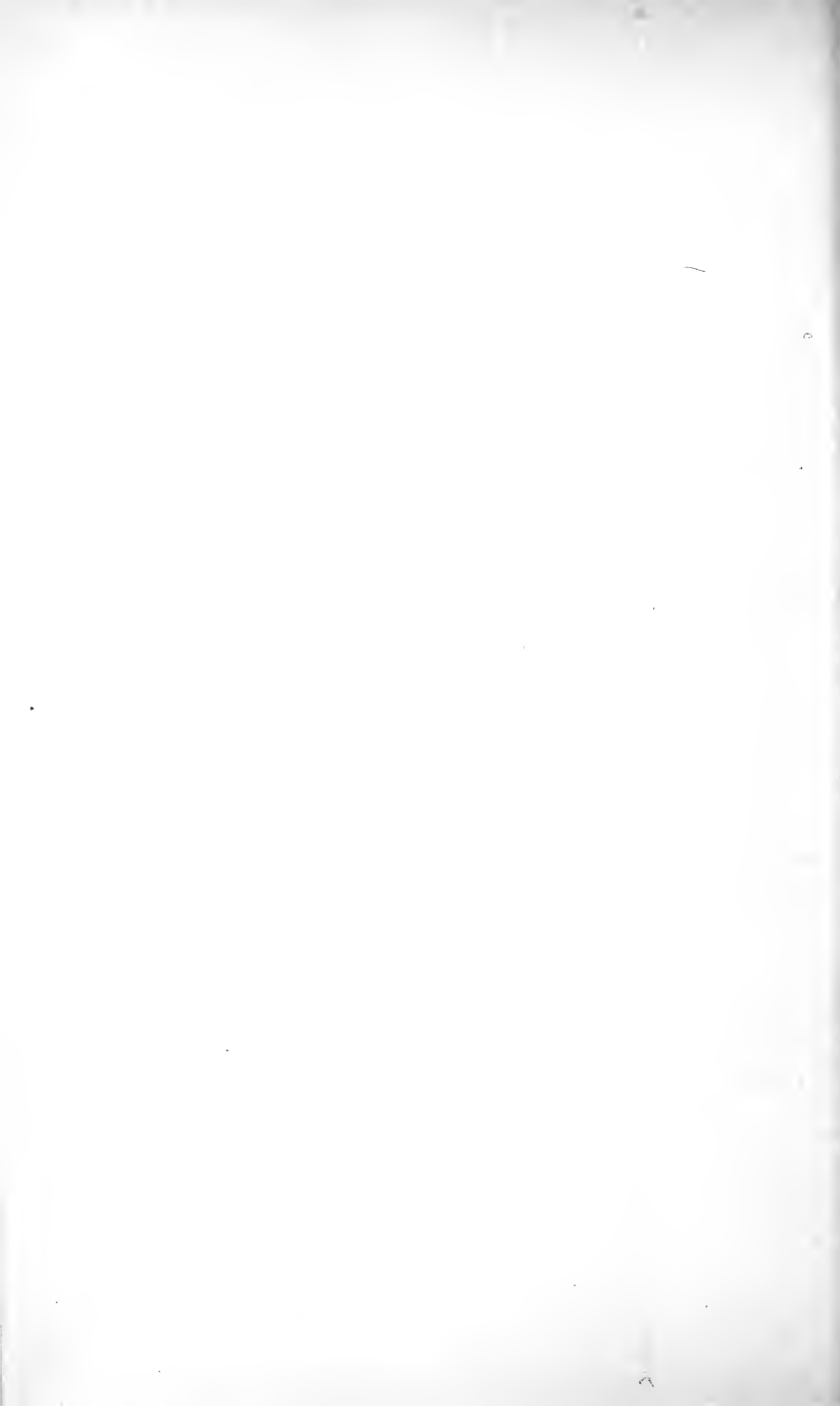
Fourth, the achievement of higher values by both husband and wife is also an essential requirement to marital adjustment. Conjugal love is not self-sufficient, and must be supplemented by other values of common interest,

such as ethics, aesthetics, religion and parenthood. Ethical and aesthetic values require cultivation and are at present limited to only a few, but their scope has been gradually widening. Religion appeals to the mystic aspects of life and adds to the attachment and solidarity of conjugal life in most communities. But with the decline of faith in doctrines and dogmas, popular religion has lost a great deal of its influence in modern times and is in urgent need of reorientation in the light of modern art, science and philosophy. The most important bond between husband and wife, however, is common parenthood, which is a principal, though not the only object of marriage. Except for some valid reasons, every married couple should look forward to parenthood as a normal and noble object of married life.

Finally, the cardinal point of marital adjustment is the development of spiritual relationship between husband and wife, the basis of which was laid down by nature in the very device of bi-sexual reproduction, or union of two organisms of opposite sex, for race propagation. What was originally a mere blind force or "biological imperative," among lower animals, has developed into a subconscious urge among human beings. It is this sex urge evolving through ages from almost the very beginning of life, which creates eternal longing for companionship between man and woman, and which when sublimated, expresses itself in the sentiment of love and binds man and woman into permanent and spiritual relationship.

Like other human sentiments, love is a complex of several impulses, emotions, and sentiments and is supple-

mented by ethical, aesthetic, religious and spiritual values. It is neither purely subjective nor purely objective, but a combination of both and for full development requires prolonged cultivation. Under modern industrial civilization, human efforts are largely devoted to the conquest of the external world and the achievement of economic success rather than to the control of inner nature and the attainment of moral and spiritual values. What is needed is the re-valuation of life in terms of its moral and spiritual meaning and the development of the sense of devotion and spirit of service. It is this spirit of mutual love, devotion and service between husband and wife wherein lies the solution of the problem of marital adjustment.



CONCLUSION

In many primitive communities, women enjoyed the same rights and privileges as men, but they lost this status of equality during the process of social evolution. Once established, this inequality was codified by law, sanctioned by religion and perpetuated by custom until women themselves developed an inferiority complex and became virtual slaves. But recent social, political and industrial changes have emancipated women from most of their legal limitations in Western countries and, in some respects, even in Eastern countries.

The progress of emancipation has been, however, more pronounced in the United States than in other advanced countries. American women enjoy almost the same freedom of thought and action and exercise the same rights and privileges as men. The greatest achievement of American women is, however, the growth of personality, which has been brought about by a variety of factors such as voluntary motherhood, economic independence, intellectual progress and political freedom, to the development of which the feminist movement has also made a great contribution. The effect of this achievement is best indicated by what may be called a new individuality among American women.

This new individuality has changed the position of women both in marriage and the family: First, instead

of a static and formal institution, marriage has become a dynamic and functional relationship between man and woman. Second, marriage is neither a sacrament as with the Catholics, nor an obligation as with ancestor worshippers, but only a social institution giving a moral and legal sanction to the union of man and woman during its duration. Finally, motherhood has become more or less a voluntary affair and is not the integral and inevitable part of a modern marriage, although it still remains its principal function.

Still more profound changes have taken place in the organization of the American family. It has become a democratic organization, where the wife is a moral and spiritual companion of the husband and enjoys with him almost all the social rights and privileges on terms of equality. She is not only the center of home life and the pivot of the family, but shares with her husband the equal responsibility and guardianship of the children and has also acquired the right to private property, independent citizenship and separate domicile.

These rights and privileges achieved by American women in marriage and family relations have made a distinct contribution to society in general and to women in particular: First, they have raised the status of the wife from the position of subordination to that of partnership. Second, they have restored to the mother the responsibility and guardianship of the children on almost the same basis as that of the father. Third, they have changed the family from an old patrilineal system to a democratic institution. Finally, although marriage has lost its stability and solidarity, owing to increased divorces,

it has gained in moral and spiritual relationship inasmuch as its duration has become a matter of choice and preference rather than one of compulsion and necessity.

This progress in emancipation of women has, however, been followed by the rise of a number of problems, which may be classified under two headings: First, the development of a new code of feminine ethics, which can meet both the requirements of a modern woman and the ideals of modern civilization; and second, the adjustment of the conflicting interests of a modern woman as an individual, a mother and a wife.

A new code of feminine ethics should recognize the following elements: First, marriage is a physical, moral and spiritual necessity for the majority of women; second, the ethical basis of marriage is mutual love and affection between man and woman, the termination of which may end in the dissolution of marriage or divorce; third, voluntary motherhood is an essential part of a modern woman, not only for the fullest development of her personality, but also for the intelligent transmission of hereditary characteristics and for the adjustment of optimum population to maximum production; fourth, marriage is an essential condition, not only for parenthood, which every man and woman owes to the child, but also for the social recognition of the union of man and woman for common life; and finally, as a social institution, marriage requires social and legal sanction for its performance, existence and dissolution.

As an individual, a modern woman is confronted with a number of problems, such as ambition for higher cultural or income level or even an independent career, normal

sex impulses, retarded and uncertain marriage, the economic security of man before marriage and the double standard, all of which have created among young women a revolt against existing sex mores. While education in physical, psychological, moral and spiritual aspects of sex life together with the ideal of sublimation of sex and kindred impulses and sentiments may be helpful, the real solution of the problem lies in the development of a new social attitude toward voluntary motherhood and comparatively early marriage for young women, so that, though married, they may remain free in the pursuit for a higher life.

As a mother, a modern woman is in a much better position than an old-fashioned mother to supply the physical and intellectual needs of the child. Owing to her high cultural level, and often to the capability of independent livelihood, she knows best when she can afford to have her child, to take adequate pre-natal and post-natal care of the child, and to undertake the responsibility of bringing up the child in the event of the father's death or disability or even in case of divorce or desertion, to help the child in cultural progress and choice of a career, to inspire the child for higher and nobler life and to become the friend, guide and philosopher of her child.

The most important problem of modern marriage, however, is marital adjustment. Conjugal maladjustment is best indicated by the increase in divorces, especially in the United States. While some of the proposals, such as the existence of perfect equality between husband and wife, full partnership in family affairs, joint participation in cultural and recreational activities, active interest

in higher values of life and, above all, common parenthood, may be helpful, the real solution of the problem lies in the development of spiritual relationship between husband and wife, which alone can add stability and solidarity to married life.

In brief, like any other social organization, marriage has become a dynamic institution in modern times. A modern marriage is a process by which husband and wife continually adjust themselves to each other in their mutual needs and services as required by their growing personalities. While there should be mutual appreciation and respect for each other's aims, aspirations, and ideals as well as social attitudes and social values, the real basis of peace and happiness between husband and wife is the unreserved and unstinted love, devotion and service to each other. Not how much one should get from the other, but how much one can give to the other is the essence of conjugal love and the key to conjugal happiness.

- (1) *The Annals of the American Academy of Political and Social Sciences* September, 1943, p. 81. Referred hereafter simply as *The Annals of the American Academy*.
- (2) *Washington Post*, March 12, 1947.
- (3) *The Annals of the American Academy*, September 1943, p. 47.
- (4) *Annuaire Statistique de France*, 1937.
- (5) *The Annals of the American Academy*, Sept., 1943, p. 48.
- (6) *The Annals of the American Academy*, May, 1929, p. 68.
- (7) *Statistical Abstract of the United States*, 1947.
- (8) *Washington Post*, November 2, 1945.
- (9) *The Evening Star*, Washington, November 19, 1945.
- (10) National Union of Societies for Equal Citizenship, *Real not Pseudo-protection for Women*; 157 Deans' Yard, London, A. W. I.
- (11) *New York Times*, July 21, 1944.
- (12) E. G., Miss Frances Perkins, former Secretary of Labor and Miss Mary Anderson, former Chief of U. S. Women's Bureau.
- (13) *Washington Post*, Feb. 18, 1947.
- (14) It must be noted that women in some European countries have also made considerable progress in public life. There are at present 25 women in the British Parliament and 32 women in the French Chambre des Deputes as compared with only 9 members in the U. S. Congress. The number of women members in the legislative bodies of the Soviet Union is much larger. In 1939, there were 189 women in the Supreme Soviet of the U. S. S. R., 848 women in the Supreme Soviets of the Union Republics and 578 women in the Supreme Soviets of the Autonomous Republics.
- (15) The Gallup Poll, *Washington Post*, December 15, 1945.
- (16) Off. of Education, Wash., D.C., Preliminary Rept., 10 Aug. 1948.
- (17) *New York Times*, August 2, 1945.
- (18) *New York Times*, December 1, 1945.
- (19) *The Annals of the American Academy*, May, 1932, p. VI.
- (20) Westernmarck, E. A., *A Short History of Marriage*, pp. 265-275.
- (21) Renton and Phillimore, *Comparative Law of Marriage and Divorce*, London, 1910, p. 1.
- (22) See Appendix I.
- (22*) Marriage and Divorce Statistics for 1887, 1906, 1916, and 1922 were based on inquiry and others were estimated. The publication of report on *Marriage and Divorce* was stopped in 1933 as a measure of economy after the depression of 1930-32.

- (23) In 1946, marriage rates per 1000 population in other divisions were as follows: 13.5 in New England, 13.0 in Middle Atlantic, 19.2 in South Atlantic, 14.4 in East North Central, 16.1 in West North Central, 14.4 in East South Central, 19.1 in West South Central. *Marriage and Divorce Statistics, United States, 1946*, Oct. 24, 1947. Figures for 1946 provisional.
- (24) *Statistical Abstract of the United States, 1943*, p. 40.
- (25) Compiled: The League of Nations: *The Legal Age of Marriage and the Age of Consent, 1926*, p. 18-19.
- (26) *The Annals of the American Academy*, March 1932, p. 117-18.
- (27) These annulments varied from 3,826 in 1926 to 4,408 in 1929 and were 3,900 in 1932.
- (28) *The New York Times Magazine*, Feb. 3, 1946.
- (29) In 1940, the latest year for complete information, the divorce rate per 1,000 population was 1.2 in New England, 0.9 in Middle Atlantic, 7.0 in East North Central, 2.0 in West North Central, 1.8 in South Atlantic, 1.8 in East South Central, 3.5 in West South Central, 4.1 in Mountain, and 3.5 in Pacific Division. *Statistical Abstract of the United States, 1943*, p. 93.
- (30) *Marriage and Divorce, 1930*, p. 17.
- (31) Elwood, C. A., *Sociology and Modern Social Problems*, p. 137.
- (32) Cf. Wilcox, W. I. *The Divorce Problem, a Study in Statistics*, p. 22.
- (33) *Marriage and Divorce, 1930*, p. 44. Out of 4,370 cases, 1,096 were for bigamy, 1,550 for fraudulent representation and 1,101 under legal age.
- (33*) In 1930, there were also 4,370 annulments, about four-fifths of which ended under 5 years duration. *Marriage and Divorce, 1930*, p. 38.
- (34) *Marriage and Divorce, 1930*, p. 38.
- (35) *The World Almanac, 1932*.
- (36) *The Annals of the American Academy*, March, 1932, pp. 118-19.
- (37) *New York Times*, February 25, 1945.
- (38) *Washington Post*, October 9, 1945.
- (39) *Ibid.*, October 14, 1945.
- (40) *Washington Post*, October 14, 1945.
- (41) *Ibid.*, February 23, 1947.
- (42) Refers to year 1920. *The Annals of the American Academy*, March, 1932, pp. 29-37.
- (43) *Statistical Abstract of the United States, 1947*.
- (44) U. S. Census, 1940, Vol. III, *The Labor Force*, Part I, p. 26.
- (45) U. S. Women's Bureau, Bulletin 75, p. 12.
- (46) On the Analogy of the Economic Cycles of a Worker's Family.
- (47) See *Supra*, p. 18.
- (48) U. S. Bureau of Census, *Vital Statistics of the United States, 1944*, Part II, P. 4. The figures refer to the year 1943. The later figures have not been available except for U.S.A.
- (49) *The Annals of the American Academy*, March, 1923, pp. 13-22.
- (50) *Ibid.*, March, 1932, p. 20.

- (51) *The Annals of the American Academy*, May, 1929, p. 354.
- (52) *The Annals of the American Academy*, May, 1929, pp. 256-61.
- (53) *Ibid.*, pp., 261-62.
- (54) Breckenridge, S. P., *Marriage and the Civic Rights of Women*, 1930, pp. 19-20.
- (55) Quoted by Miss Breckenridge, *op. cit.*, from H. R. 12022, Sixty-seventh Congress, Second Session, p. 141.
- (56) *Op. cit.*, pp. 25 and 26.
- (57) *Ibid.*, pp. 258-261.
- (58) *Ibid.*, p. 5.
- (59) Cf. Breckenridge, *op. cit.*, p. 17.
- (60) *The Social Service Review*, Chicago, Sept., 1931, p. 494.

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